

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 14652/2026
CNR: RJHC010673722026 | URN: CW / 26728U / 2026

R.P. Meena S/o Shri Kalyan Sahay Meena, Aged About 45 Years,
R/o Devenwada, Tehsil And District Dausa Rajasthan.

-----Petitioner

Versus

1. Jodhpur Vidyut Vitran Nigam Ltd., New Power House Road, Jodhpur Rajasthan, Through Its Managing Director.
2. Secretary (Administration), Jodhpur Discom, New Power House Road, Jodhpur Rajasthan
3. Assistant Engineer-Ii (O And M), Jodhpur Vidhyut Vitaran Nigam Ltd. Sri Dungargarh, District Bikaner Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. G.R. Punia, Sr. Advocate assisted by Mr. Mahendra Godara
For Respondent(s)	:	Mr. Mehul Kothari. Mr. Tabish Samdani, R-3.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

23/07/2026

1. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India with the following prayers:

“It is, therefore, most respectfully prayed that this writ petition may kindly be allowed with cost and by an appropriate order or directions:-

- (i) That the order dated 10.07.2026 (Annex.-2) may be declared illegal quo the petitioner; and
- (ii) Any other appropriate relief which this Hon'ble Court deems just and proper in the facts and circumstances of the case, in favour of the petitioner, may kindly be granted to him.”

2. Brief facts of the case are that the petitioner was initially

appointed as Junior Engineer on 12.05.2010 and was subsequently promoted to the post of Assistant Engineer, during which period he was transferred to various places. Vide order dated 14.01.2025 (Sr.No.161), he was transferred from Bikaner to Sri Dungargarh and, within a period of less than two years, he has again been transferred from Sri Dungargarh to Bikaner vide order dated 10.07.2026 (Sr.No.126). Being aggrieved by the impugned transfer order dated 10.07.2026 (Annex.2), the petitioner has preferred the present writ petition challenging the same.

3. Learned Senior Counsel representing the petitioner submits that the respondents vide order dated 10.07.2026 (Annex.2), have transferred the petitioner from the post of AEN (O&M), Sri Dungargarh-II, District Bikaner to AEN (Protection) Bikaner. He submits that the petitioner has been transferred, within a period of less than two years as the petitioner, vide order dated 14.01.2025 (Annex.1), was transferred from AEN (RDSS) Bikaner to AEN (O&M-II), Sri Dungargarh. He submits that the impugned order dated 10.07.2026 (Annex.2) is in grave violation to the Transfer Policy dated 28.11.2017, which has been approved by the Board of Directors and is in force since 01.04.2018.

4. While drawing attention of this Court towards the policy, learned Senior Counsel representing the petitioner submits that Clause No.2 of the policy stipulates the tenure of stay of an employee on a post; wherein, ordinarily, an employee shall not be transferred before completing two years and in case he is required to be transferred before the completion of two years,

the said can be given effect only in certain contingencies, however, the petitioner's case does not fall in any of the contingencies laid down in the policy and despite that the respondents have transferred the petitioner.

5. Learned counsel for the petitioner places reliance on the order dated 25.08.2022 passed by a Coordinate Bench of this Court passed in the case of **Brijnandan Kumar Gupta v. JDVVNL & Anr. : SBCWP No.11111/2022**, order dated 24.11.2025 passed by a Coordinate Bench of this Court at Jaipur Bench in the case of **Hargovind Meena v. Secretary, School Education & Ors. : SBCWP No.17757/2025 decided on 24.11.2025** and the judgment passed by the Hon'ble Apex Court in **Bhika Ram v. State of Rajasthan & Ors. : 2025 0 Supreme SC 2098**.

6. Counsel representing the respondents submits that the transfer policy, relied upon by the learned Senior Counsel for the petitioner, is not statutory in nature and the transfers have been made on account of administrative exigency. He further submits that the respondent No.3 has joined at the place of the petitioner and thus no indulgence ought to be granted to the petitioner. He further submits that the case of *Brijnandan Kumar Gupta (supra)*, relied upon by the petitioner, is not applicable in the present case, as the transfer policy is not having statutory force and is purely administrative in nature and the respondents are not bound to follow the transfer policy. He also submits that a huge number of employees have been transferred vide order dated 10.07.2026 on account of administrative exigency.

7. In support of their contentions, counsel representing the

respondents place reliance upon the following judgments rendered by the Hon'ble Apex Court in the cases of: ***Sri Pubi Lombi v. The State of Arunanchal Pradesh & Ors.*** reported in ***2024 Supreme(Online)SC 4481*** and ***Union of India & Ors. v. S.L. Abbas*** reported in ***1993 SC 2444***.

8. I have heard and considered the submissions advanced by counsel representing the parties, perused the material available on record and have also gone through the judgments cited at Bar.

9. As per the transfer policy relied upon by the petitioner, ordinarily an employee shall not be transferred before completion of two years' period, however, there are certain contingencies based on which, the employee can be transferred even before completion of period of two years. It is an admitted position that the case of the petition does not fall in the contingencies laid down in the transfer policy. It is important to note that the use of the expression 'ordinarily' manifests that the transfer policy is directory and not mandatory. Being an executive instruction, lacking statutory force, it serves as an administrative guideline and does not confer an enforceable legal right upon an employee or impose a statutory obligation upon the employer. Further, it is also seen that the petitioner was transferred vide order dated 14.01.2025 (Annex.1) from Bikaner to Sri Dungargarh, District Bikaner; whereafter, vide impugned order dated 10.07.2026 (Annex.2), the petitioner has been transferred from Sri Dungargarh-II to AEN (Protection) Bikaner. Thus, apparently, the petitioner has not been posted out of Bikaner vide both the transfer orders.

10. This Court finds that the case of *Bhika Ram (supra)*, relied upon by the learned Senior Counsel for the petitioner, cannot be said to be applicable in the instant case, as the same pertained to the directions issued by the Rural Development and Panchayati Raj Department, Government of Rajasthan for redemarcation and creation of the new panchayats and panchayat samitis under Section 9, 10 and 101 of the Rajasthan Panchayati Raj Act, 1994. The decision rendered in the case of *Brijnandan Kumar Gupta (supra)*, relied upon by the petitioner, is distinguishable as the transfer policy in question is merely an executive/administrative guideline and does not have any statutory force.

11. Learned counsel for the petitioner while placing reliance upon order dated 24.11.2025 passed in ***Hargovind Meena v. Secretary, School Education Department, Rajasthan, Bikaner & Ors. (SBCWP No.17757/2025)*** submitted that the Coordinate Bench of this Court allowed the writ petition taking into consideration that the State has made mass transfers of the teachers in the month of September 2025. However, from the perusal of the order passed in *Hargovind Meena (supra)*, it transpires that the sole consideration of the Court while allowing the writ petition was that such mass transfer of the teachers carried out in the month of September 2025 would gravely impact/affect the future of the students and also the aspiration of the parents, who cannot afford private public school for their children in the mid of education session. It is also important to note that said writ petition was filed against the order dated 04.11.2025 passed in Appeal No.4387/2025, wherein the stay

application filed by the petitioner therein, was dismissed by the learned Rajasthan Administrative Tribunal and the appeal was still pending before the Tribunal. The Coordinate Bench while staying transfer orders directed the learned Tribunal to dispose of the appeal in an expeditious manner. However, upon a query being made to the counsel for the petitioner about the outcome of Appeal No.4387/2025; he submitted that he is not in a position to apprise the Court of the same.

12. This Court also takes into consideration the judgment passed by the Hon'ble Apex Court in the case of *S.L. Abbas (supra)*, wherein, the Hon'ble Apex Court has held that the guideline does not confer upon a government employee, a legal enforceable right and executive instructions issued by the government are in the nature of guidelines and do not have statutory force. Relevant para(s) of the judgment passed in the case of *S.L. Abbas (supra)*, is reproduced hereunder:

"6. An order of transfer is an incident of Government service. Fundamental Rule 11 says that "the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority". Fundamental Rule 15 says that "the President may transfer a Government servant from one post to another. That the respondent is liable to transfer anywhere in India is not in dispute. It is not the case of the respondent that the order of his transfer is vitiated by mala fides on the part of the authority making the order, though the Tribunal does say so merely because certain guidelines issued by the Central Government are not followed, with which finding we shall deal later. The respondent attributed "mischief" to his immediate superior who had nothing to do with his transfer. All he says is that he should not be transferred because his wife is working at Shillong, his children are studying there and also because his health had suffered a setback some time ago. He relies upon certain executive instructions - issued by the Government in that behalf. Those instructions are in the nature of

guidelines. They do not have statutory force."

13. This Court also take into consideration the judgment dated 16.06.2026 passed in **DBSAW No.483/2026 : Union of India & Ors. v. Sqn. Ldr. Deepak Sindhu**; wherein Union of India had laid a challenge to order passed by learned Single Judge quashing the transfer order on the ground that the Transfer Policy was not statutory in nature, and the respondent/writ-petitioner, serving as Sqn. Leader in Indian Air Force, could be posted anywhere beyond the Transfer Policy and taking into consideration the said fact, the intra-court appeal was allowed. The relevant paragraphs of the judgment passed by Division Bench of this Court reads as under:

"24. The policy in question cannot be construed as possessing binding statutory force or creating an enforceable legal mandate, but is merely in the nature of administrative guidelines intended to regulate internal governance and operational management. The Hon'ble Apex Court in the case of Union of India and others v. S.L. Abbas, (1993) 4 SCC 357 deliberated upon the issue as to legal significance of the policy in question. The relevant para is reproduced hereinafter as :

"6. An order of transfer is an incident of Government service. Fundamental Rule 11 says that "the whole time of a Government servant is at the disposal of the Government which pays him and he may be employed in any manner required by proper authority". Fundamental Rule 15 says that "the President may transfer a Government servant from one post to another. That the respondent is liable to transfer anywhere in India is not in dispute. It is not the case of the respondent that the order of his transfer is vitiated by mala fides on the part of the authority making the order, though the Tribunal does say so merely because certain guidelines issued by the Central Government are not followed, with which finding we shall deal later. The respondent attributed "mischief" to his immediate superior who had nothing to do with his transfer. All he says is that he should not be transferred because his wife is working at Shillong, his children are studying there and also because his health had suffered a setback some time ago. He relies upon certain executive instructions - issued by the Government in that behalf. Those instructions are in the nature of guidelines. They do not have statutory force."

25. *In the case of Public Services Tribunal Bar vs State Of U.P. & Another : reported in 2003 Supreme (SC) 107, the Hon'ble Apex Court has observed that transfer is an incidence of service, and the said principle squarely applies to the facts of the present case. The relevant paragraph is reproduced hereinafter:*

“38. Transfer is an incident of service and is made in administrative exigencies. Normally it is not to be interfered with by the courts. This Court consistently has been taken a view that orders of transfer should not be interfered with except in rare cases where the transfer has been made in a vindictive manner.”

26. *In view of the foregoing discussion and having bestowed our anxious consideration to the rival submissions advanced on behalf of the parties, this Court is of the considered opinion that no case for interference with the transfer order is made out. The scope of judicial review in matters relating to transfer and posting of members of the Armed Forces is extremely limited and the policy governing postings, being merely administrative in nature, cannot be construed as conferring an enforceable right upon an officer to insist upon continuation at a particular station. The transfer of the respondent/writ petitioner appears to have been effected in administrative and operational exigencies and no material has been placed on record to establish mala fides, arbitrariness or violation of any statutory provision warranting interference by this Court. Though the compassionate circumstances projected by the respondent/writ petitioner evoke sympathy and deserve humane consideration, the same, by themselves, cannot override the paramount considerations of organizational discipline, operational preparedness and service requirements of the Armed Forces. Acceptance of such claims as a ground for judicial interference in transfer matters may seriously impair the flexibility and efficiency essential for effective functioning of the Forces.*

27. *Consequently, finding no infirmity or illegality in the action of the appellants-authorities, the present appeal deserves to succeed and is accordingly allowed. The judgment dated 30.03.2026 passed by the learned Single Judge is set aside and the writ petition is dismissed. Pending applications, if any, also stand disposed of.”*

14. The transfer policy in question is admittedly an executive instructions, which does not have statutory force. They neither create any enforceable right in favour of an employee, nor can be construed as conferring the Court, the power to issue a positive mandamus, directing the employer to enforce such

guidelines in each and every place.

15. Thus, the respondents cannot be said to be bound by the policy while transferring an employee particularly when clause 2.1 begins with the expression 'ordinarily'. Thus, in the present case, the petitioner is unable to demonstrate that the impugned order of transfer has been passed in violation of any statutory provision, either by an authority lacking competence nor any material has been placed on record to establish the mala fides exercise of power, which would justify interference under the limited scope of judicial review. The challenge to the impugned order rests essentially upon the alleged non-compliance with the transfer policy (Annex.3). Since, the said guidelines are non-statutory in character, their alleged violation in absence of any other legally sustainable ground does not, by itself, constitute a valid basis for quashing the transfer order.

16. After a careful and cumulative consideration of the record and hearing learned counsel for the petitioner, this Court is satisfied that the transfer impugned in this petition was not arbitrary or actuated by mala fide intent. The material on record establishes that the transfers were undertaken to meet bona fide administrative exigencies and were applied uniformly to a substantial cohort of employees. In these circumstances, the petitioner has not demonstrated any exceptional or compelling circumstances that would warrant judicial intervention. Accordingly, no relief can be granted on the ground of arbitrariness or mala fides in the exercise of judicial power to transfer.

17. Accordingly, the instant writ petition stands dismissed. The

impugned order dated 10.07.2026 (Annex.2) passed by the JdVVNL, does not suffers from any illegality whatsoever, so as to warrant any interference therein.

18. Stay application as well as all other pending applications, if any, also stands dismissed.

(DR.NUPUR BHATI),J

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