

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

S.B. Civil Writ Petition No. 15099/2026
CNR: RJHC010690972026 | URN: CW / 27379U / 2026

Vinay Gupta S/o Shri Tara Chand Gupta, Aged About 52 Years,
R/o H. No. 50 D-Road, New Keshav Nagar, Udaipur Raj.

-----Petitioner

Versus

1. Ajmer Vidyut Vitran Nigam Ltd., Vidyut Bhawan Panchsheel Nagar Makadwali Road Ajmer Raj. Through Its Managing Director
2. Secretary (Administration), Vidyut Bhawan Panchsheel Nagar Makadwali Road Ajmer Raj.
3. Executive Engineer (O & M), Ajmer Vidhyut Vitaran Nigam Ltd. Dungarpur Raj.

-----Respondents

For Petitioner(s)	:	Mr. M.S. Godara.
For Respondent(s)	:	Mr. Mrigraj Singh Rathore.

HON'BLE DR. JUSTICE NUPUR BHATI
Order

23/07/2026

1. This writ petition has been filed by the petitioner claiming following reliefs:

- “(i) That the order dated 10.07.2026 (Annex.-3) may be declared illegal quo the petitioner; and
(ii) Any other appropriate relief which this Hon'ble 7 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 giving rise to instant petition are that the petitioner was initially appointed as a Junior Engineer (JEN) in the year 1999, subsequently promoted to the post of Assistant Engineer (AEN) in 2015, and is currently discharging duties against the post of Executive Engineer (XEN). The petitioner was

transferred vide order dated 15.01.2025 (Annex.1) from Udaipur to Dowda (Sr. No.62) as an Assistant Engineer, and within a short span of nine months, and was again transferred vide order dated 10.10.2025 (Annex.2) and posted against the post of Executive Engineer (O&M), Dungarpur and barely nine months thereafter, the petitioner has once again been subjected to transfer from Dungarpur to Paloda (Banswara), located 90 km away, as an Assistant Engineer vide impugned order dated 10.07.2026 (Annex.3) (Sr. No.171). Aggrieved by these frequent, short-tenure transfers in quick succession and specifically by the impugned transfer order dated 10.07.2026 (Annexure-3), the petitioner respectfully prefers the present writ petition before this Court.

3. Learned counsel appearing for the petitioner submits that the petitioner, who was appointed as JEN in 1999, promoted as AEN in 2015, and currently working on the post of XEN, has been subjected to repeated, short-tenure transfers within brief intervals. Counsel points out that after being transferred to Dowda vide order dated 15.01.2025 (Annexure-1) and subsequently to Dungarpur vide order dated 10.10.2025 (Annexure-2), the petitioner has again been uprooted within nine months vide impugned transfer order dated 10.07.2026 (Annexure-3) to Paloda (Banswara), i.e. 90 km away from the present place of posting. He thus prayed that the impugned order is not sustainable and the same deserves to be set aside.

4. Per contra, learned counsel appearing on behalf of the respondents strongly opposes the writ petition and submits that the impugned transfer order has been issued purely in the interest of public service and on account of pressing administrative

exigencies, affecting a large number of employees across the department. It is submitted that transfer is an inherent condition of service and no employee has a vested legal right to remain posted at a particular place. Learned counsel emphasizes that the petitioner has neither alleged any mala fides or personal bias against the issuing authority, nor challenged the competence or jurisdiction of the officer who passed the order. Therefore, the writ petition being devoid of merit, no judicial interference is called for, and the same deserves to be dismissed.

5. Heard learned counsel for the respective parties and have perused the material available on record.

6. The petitioner has set up a case alleging frequent transfers within short intervals, it is pertinent to observe that the impugned order dated 10.07.2026 (Annex.3) represents a large-scale administrative exercise involving a substantial number of personnel. The petitioner, holding a senior post, is subject to deployment based on operational necessity and public interest. It is a settled principle of service jurisprudence that an administrative transfer cannot be termed arbitrary merely because it alters an employee's tenure, unless it is demonstrably vitiated by proven mala fides, lacks jurisdictional competence, or is motivated by extraneous considerations. In the case at hand, the petitioner has failed to plead, let alone establish, any malice in fact, lack of competence on the part of the issuing authority, or any colorable exercise of power. In the absence of these vital legal infirmities, no ground for judicial interference is made out.

7. 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."

8. 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.

9. The impugned order dated 10.07.2026 (Annex.3) passed by the JdVVNL, does not suffers from any illegality whatsoever, so as to warrant any interference therein. Thus, the instant writ petition stands dismissed.

10. Stay application as well as all other pending application(s), if any, also stand dismissed.

(DR.NUPUR BHATI),J