



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 19861/2026

CNR: RJHC020953882026 | URN: CW / 41475U / 2026

K.K. Gupta @ Kewal Krishan Gupta S/o Late Shri Hari Prasad Gupta, Aged About 41 Years, Resident Of C-132 Hasan Khan Mewat Nagar, Near Arya Kanya School Alwar, 301001, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Energy, Rajasthan, Secretariat, Jaipur.
2. Managing Director, Jaipur Vidhyut Vitran Nigam Ltd., Vidhyut Bhawan, Jyoti Nagar, Janpath, Jaipur.
3. Secretary (Admin), Jaipur Vidhyut Vitran Nigam Ltd., Vidhyut Bhawan, Jyoti Nagar, Janpath, Jaipur.
4. Dr. Abhinav Sharma, Personnel Officer (O & M) Jaipur Vidhyut Vitran Nigam Ltd., District Jhalawar (Raj.).

-----Respondents

For Petitioner(s) : Mr. Swadeep Singh Hora
For Respondent(s) : Mr. Sandeep Singh Shekhawat with
Mr. Akshay Dutt Sharma

JUSTICE ANOOP KUMAR DHAND

Order

06/10/2026

1. By way of filing the instant writ petition, a challenge has been laid to the impugned transfer order dated 10.07.2026, passed by the respondents, by which the petitioner has been transferred from Alwar to Bharatpur.

2. Learned counsel for the petitioner submits that the entire aforesaid exercise has been done by the respondents in order to adjust the respondent No.4. He further submits that on an earlier occasion as well as, at the request of the respondent No.4, the



transfer order dated 20.09.2021 was passed by the respondents whereby the respondent No.4 was proposed to be transferred from Dausa to Alwar, in place of the petitioner and the petitioner was ordered to be transferred from Alwar to Bharatpur.

3. Learned counsel further submits that the aforesaid action of the respondents was assailed by the petitioner by way of filing an appeal against the aforesaid transfer order dated 20.09.2021 before the Rajasthan Civil Service Appellate Tribunal (hereinafter after referred to as 'RCSAT'), wherein an interim order was passed on 30.09.2021 whereby the effect and operation of the transfer order dated 20.09.2021 was stayed and the petitioner continued to be posted at Alwar. Therefore, the RCSAT disposed of the aforesaid appeal vide order dated 30.09.2022 and the interim stay order dated 30.09.2021 was confirmed. Counsel submits that in the meantime, the respondent No.4 was placed under suspension and he was transferred to Jhalawar. Now, in order to accommodate the respondent No.4, once again the petitioner has been ordered to be transferred from Alwar to Bharatpur and the respondent No.4 has been ordered to be transferred from Jhalawar to Alwar in place of the petitioner.

4. Learned counsel also submits that the wife of the petitioner is also serving and is posted at Alwar, and in terms of the policy of the respondents, both husband and wife are required to be posted at the same place. He further submits that the impugned transfer order has been passed by the Secretary (Administration), JVVNL, i.e. respondent No.2, whereas as per the rules, either the Chief Engineer of the circle or the Chairman or the Director are competent to issue the transfer order. Hence, without being the



competent authority, the respondent No.2-Secretary has passed the order impugned. Counsel submits that under these circumstances, the impugned transfer order is not sustainable and is liable to be quashed and set aside.

5. Per contra, learned counsel appearing on behalf of the respondents opposed the aforesaid arguments and submitted that the impugned transfer order dated 10.07.2026 has been passed by the respondent No.2-Secretary (Administration) under the approval of the Chief Managing Director. Counsel submits that the petitioner was initially appointed to the post of Assistant Personnel Officer in the office of Personnel Officer (O&M), Alwar vide order dated 06.04.2011. Thereafter, he was promoted to the post of Personnel Officer (O&M), Alwar vide order dated 28.05.2015, and since April 2011 till September 2021 he remained posted at Alwar. Counsel submits that the petitioner was ordered to be transferred for the first time on 20.09.2021 from Alwar to Bharatpur. The aforesaid transfer order was assailed by the petitioner before the RCSAT and the RCSAT has passed an interim stay order on 30.09.2021 in the aforesaid appeal submitted by the petitioner. Counsel submits that in fact, an appeal against the transfer order passed by the Jaipur Vidyut Vitan Nigam Limited (hereinafter referred to as 'JVVNL') is not maintainable before the RCSAT because RCSAT has no jurisdiction to deal with the appeals against the orders passed by the respondent-JVVNL. He further submits that the aforesaid interim order passed by the RCSAT was assailed by the respondents by way of filing a writ petition before this Court wherein it was held that the RCSAT has no jurisdiction to entertain matters pertaining to the respondent-JVVNL.



6. Counsel further submits that on account of passing of considerable time, the earlier transfer order dated 20.09.2021 was not disturbed by this Court, however, liberty was granted to the respondents to pass appropriate orders of transfer in case administrative exigency arises in future. Counsel also submits that so far as the third limb of argument of the learned counsel for the petitioner is concerned, with regard to the policy of keeping both husband and wife at the same place, the aforesaid policy is merely directory in nature and is not mandatory. The petitioner as well as his wife are not low paid employees and they are working at the rank of Officer. The petitioner has been transferred to a place which is hardly 10 kilometers away from the place of posting of his wife. Hence, interference of this Court is not warranted and the instant writ petition is liable to be rejected.

7. In support of his contentions, counsel for the respondents has placed reliance upon the order dated 23.05.2024 passed by the Co-ordinate Bench of this Court in the case of **Managing Director, JVVNL & Ors. Vs. K.K. Gupta & Ors.** while deciding **S.B. Civil Writ Petition No. 7592/2022.**

8. In rejoinder, Mr. Swadeep Singh Hora, counsel for the petitioner submitted that the Hon'ble Apex Court in case of **S.K. Nausad Rahaman & Ors. Vs. Union Of India & Ors.**, reported in **(2022) 12 SCC 1**, has held that the State should formulate a policy in favour of its employees for protecting their family life. Counsel further submits that once the respondents have formulated a policy for retaining both husband and wife preferably at the same place of posting, then the impugned transfer order would certainly affect and harm the petitioner's family life. He





submits that the wife of the petitioner is not an officer, rather she is a clerk posted as 'Commercial Assistant'. Counsel submits that several posts of Personnel Officer are lying vacant in nearby areas, and the respondents should have accommodated the petitioner at one of those places. Hence, interference of this Court is warranted.

9. Hear and considered the submissions made at the Bar and perused the material available on record.

10. It is settled proposition of law that transfer is an incident of service and no employee can claim to be posted at a particular place for all times to come or till eternity. It is well within the rights of the respondents to post its employees as per the administrative exigency. Such orders cannot be put to challenge by an employee unless and until it is shown that the transfer order is either accorded with malice or has been issued against the prevailing statutory rules and policies. This Court finds no substance in the arguments raised by counsel for the petitioner that the entire exercise of transfer has been done in order to accommodate the respondent No.4 in place of the petitioner. The earlier transfer order dated 20.09.2021 lost its effect the moment the petitioner was allowed to continue in terms of the interim order and final order of disposal passed by the RCSAT in the appeal submitted by the petitioner. More than five years have passed thereafter, when the impugned transfer order has been passed on account of administrative exigency, by which the petitioner has been transferred from Alwar to Bharatpur.

11. So far as the guidelines/policy issued by the respondents with regard to accommodating both husband and wife at the same



place or nearest place is concerned, it is sufficient to observe that such guidelines/policy are not enforceable in nature and the same have been issued by the respondents by giving internal directives to its own officers, and the same are not backed by any statutory rule or force. Hence, such guidelines/policy do not have any statutory force as they do not confer any rights upon its employees to remain posted at the same place of posting for indefinite period of time.

12. In the instant case, the petitioner has already remained posted at Alwar since April, 2011. He had remained posted at Alwar since last more than one and a half decade. So far as the third contention with regard to competence of the power exercised by the respondent No.2-Secretary (Administration) in passing the impugned transfer order is concerned, the said transfer order has been passed by the respondent No.2-Secretary (Administration) under the instructions of the Chief Managing Director of respondent-JVVNL.

13. Considering the overall facts and circumstances of the case, this Court does not find any merit and substance in the instant petition and hence, the same is liable to be and is hereby dismissed.

14. Stay application and all pending applications, if any, shall stand disposed of.

(ANOOP KUMAR DHAND),J

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