HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 17020/2026
CNR: RJHC020801372026 | URN: CW / 35591U / 2026

Rajesh Kumar Sharma S/o Vishwambhar Dayal Sharma, Aged About 43 Years, R/o 135 Thathera Gali Near Jain Mandir, Rajgarh, Alwar, Rajasthan -301408, Presently Working As Nursing Officer, ESIC Medical College And Hospital, Alwar, Rajasthan (Employee Id- 117636), Group- B Services ----Petitioner

Versus

1. Employees State Insurance Corporation, Through Its Director General, Panchdeep Bhavan, C.I.G Road, New Delhi- 110002
2. The Regional Director, Employees State Insurance Corporation, Regional Office At Panchdeep Bhawan, Bhawani Singh Marg, Jaipur - 302001
3. Ministry of Labour And Employment (Employees State Insurance Corporation), Government Of India, Through Its Secretary, Shram Shakti Bhwan, Rafi Marg, New Delhi- 110001
4. The Dean, ESIC Medical College And Hospital, Alwar, Rajasthan – 301030 ----Respondents

With

D.B. Civil Writ Petition No. 17021/2026
CNR: RJHC020799862026 | URN: CW / 35592U / 2026

Sanjay Kumar Gupta S/o Shri Kailash Gupta, Aged About 52 Years, R/o H.No 288, Scheme No. 8, Alwar - 301001, Presently Working As Nursing Officer, ESIC Medical College And Hospital, Alwar, Rajasthan (Employee Id- 117604), Group-B Services, E-Mail Id- 117604), Group B Services ---- Petitioner

Versus

1. Employees State Insurance Corporation, Through Its Director General, Panchdeep Bhavan, C.I.G Road, New Delhi- 110002
2. The Regional Director, Employees State Insurance Corporation, Regional Office at Panchdeep Bhawan, Bhawani Singh Marg, Jaipur - 302001
3. Ministry of Labour & Employment, (Employee State Insurance Corporation), Government Of India, Through Its Secretary, Shram Shakti Bhwan, Rafi Marg, New Delhi- 110001
4. The Dean, ESIC Medical College And Hospital, Alwar, Rajasthan – 301030 ----Respondents

With

D.B. Civil Writ Petition No. 17022/2026

CNR: RJHC020800502026 | URN: CW / 35593U / 2026

Sunil Kumar Yadav S/o Suresh Chand Yadav, Aged About 41 Years, R/o 257 Shiv colony, Tijara Fatak, Alwar-301030, presently working as Nursing Officer, ESIC Medical College & Hospital, Alwar, Rajasthan (Employee Id 117408), Group-B Services --- Petitioner

Versus

1. Employees State Insurance Corporation, Through Its Director General, Panchdeep Bhavan, C.i.g Road, New Delhi- 110002
2. The Regional Director, Employees State Insurance Corporation, Regional Office At Panchdeep Bhawan, Bhawani Singh Marg, Jaipur - 302001
3. Ministry Of Labour And Employment, (Employees State Insurance Corporation), Government Of India, Through Its Secretary, Shram Shakti Bhwan, Rafi Marg, New Delhi-110001
4. The Dean, ESIC Medical College And Hospital, Alwar, Rajasthan – 301030 ----Respondents

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For Petitioner(s)	:	Mr. Sudhir Gupta Mr. Parth Gupta
For Respondent(s)	:	

HON'BLE MR. JUSTICE INDERJEET SINGH

HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

25/08/2026

1. These writ petitions challenge the common order dated 10.08.2026 passed by the learned Central Administrative Tribunal (for short, 'Tribunal'), whereby the applications filed by the petitioners challenging the transfer order dated 26.06.2026 and the relieving order dated 03.07.2026 were disposed of.

2. Vide the transfer order dated 26.06.2026, the petitioners, who were working as Nursing Officers, were transferred from Employees

State Insurance Corporation (for short, 'ESIC') Hospital, Alwar, to ESIC Hospital, NH-3, Faridabad.

3. The case of the petitioners is that the respondent authorities had issued the Inter-Region Transfer Policy, 2013 (for short, 'Policy of 2013'). Pursuant to the said Policy, the petitioners applied for transfer to the Rajasthan Region after furnishing an undertaking to forgo their cadre seniority; accordingly, they were placed at the bottom of the seniority list in the cadre against existing vacancies under the direct recruitment quota. It is, therefore, contended that they could not have been transferred out of the Rajasthan Region. It is further the case of the petitioners that the respondent authorities have wrongly transferred the petitioners on the ground of their being surplus staff.

4. We have heard learned counsel for the petitioners and perused the material on record.

5. As regards the first contention of the petitioners, we find that, at the time of their transfer to the Rajasthan Region under the Policy of 2013, the petitioners were working as Staff Nurses, which was a Group 'C' post. Subsequently, the nomenclature and classification of the said post was changed from 'Staff Nurses' to 'Nursing Officers' and was classified as Group 'B' post carrying All India Transfer Liability. Moreover, we also observe that the Policy of 2013 merely gave an option to employees to seek transfer to their preferred places. It, however, did not confer upon them any right that they will not be transferred out of the Rajasthan region.

6. Insofar as the another contention of the petitioners is concerned, it transpires from the impugned order that Mr. Ashok Kumar Singh, Director General, ESIC, Panchdeep Bhawan, CIG Road, New Delhi, appeared before the learned Tribunal and clarified that, owing to an error in computing the sanctioned strength of Nursing Officers at Alwar,

Nursing Officers in excess of the sanctioned strength had been accepted and posted in the Rajasthan Region. This resulted in a surplus of Nursing Officers at Alwar. Consequently, on the basis of their longest stay, Nursing Officers were being transferred from the Rajasthan Region to other places where there was a shortage of Nursing Officers.

7. It is, therefore, evident from the aforesaid facts that there was a surplus of Nursing Officers at Alwar, Rajasthan, beyond the sanctioned strength, and for that reason, the respondents were required to deploy the surplus staff at other places where there was a shortage.

8. The law relating to judicial interference in matters of transfer is well settled. The scope of judicial review in such matters is very limited. Since transfer is an incidence of service, the Courts ordinarily do not interfere with a transfer order passed by the competent authority in public interest or on administrative grounds.

8.1 The aforesaid principle has been succinctly explained by the Hon'ble Supreme Court in **Union of India Vs. S.L. Abbas** reported in **(1993) 4 SCC 357**, wherein it was held as under:

> *"7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated of by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject.*
>
> *Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the government employee as a legally enforceable right."*

8.2 Further, the Hon'ble Supreme Court in **Mohammed Masood Ahmed Vs. State of Uttar Pradesh** reported in **(2007) 8 SCC 150**, reiterated the aforesaid legal position and observed as under:

> *"7. The scope of judicial review of transfer under Article 226 of the Constitution of India has been settled by the Supreme Court in Rajendra Roy vs. Union of India (1993) 1 SCC 148, National Hydroelectric Power Corporation Ltd. vs. Shri Bhagwan (2001) 8 SCC 574, State Bank of India vs. Anjan Sanyal (2001) 5 SCC 508. Following the aforesaid principles laid down by the Supreme Court, the Allahabad High Court in Vijay Pal Singh vs. State of U.P. (1997) 3 ESC 1668; (1998) All LJ 70) and Onkarnath Tiwari vs. Chief Engineer, Minor Irrigation Department, (1997) 3 ESC 1866; (1998 All LJ 245), has held that the principle of law laid down in the aforesaid decisions is that an order of transfer is a part of the service conditions of an employee which should not be interfered with ordinarily by a Court of law in exercise of its discretionary jurisdiction under Article 226 unless the Court finds that either the order is mala fide or that the service rules prohibit such transfer, or that the authorities who issued the orders, were not competent to pass the orders."*

8.3 From the aforesaid, it is clear that judicial review in matters of transfer is permissible only where the transfer order is vitiated by mala fides, or has been issued in violation of any statutory provision, or has been passed by an authority not competent to issue such an order. Moreover, a transfer policy is merely in the nature of guidelines and does not confer any enforceable right upon an employee. It is also clear that no government employee has a vested right to remain posted at a particular place.

9. In the instant case, the petitioners have failed to establish that the impugned transfer order is actuated by mala fides or is in violation of any statutory rule. We, therefore, find no reason to interfere with the said transfer order.

10. It is also relevant to mention here that, the learned Tribunal, despite holding that the impugned transfer order dated 26.06.2026 was not arbitrary, in order to afford an opportunity to the petitioners to place their individual circumstances before the competent authority, directed the respondents to consider their representations individually and take into account their respective circumstances, including their options regarding the choice of stations. The learned Tribunal further directed that the status quo in respect of the petitioners be maintained until the expiry of 20 days from the date of receipt of a certified copy of the order or until the disposal of their respective representations, whichever was earlier.

11. In that view of the matter, no case for interference with the impugned order is made out. Accordingly, the present writ petitions, being devoid of merit, are dismissed.

12. Pending application(s), if any, stand disposed of.

(SANDEEP TANEJA),J (INDERJEET SINGH),J

56-58/SHAILENDRA