

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Reserved on : 02.03.2026  
Pronounced on : 12.03.2026  
Uploaded on : 12.03.2026  
Whether the operative part or  
full judgment is pronounced: Full

**WP(C) No. 433/2026  
CM No. 1015/2026**

**Cav. No. 478/2026  
Cav. No. 471/2026**

Sumit Kumar

.....Petitioner

Through: Mr. Intikhab Hussain Shah, Advocate

Vs

Union of India & Ors.



.....Respondents

Through: Mr. A.P. Singh, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**JUDGEMENT**

**01.** The petitioner, through the medium of the present petition, has challenged the order No. PEE/101 dated 12.02.2026 issued by the respondent No. 2-National Hydroelectric Power Corporation Limited (for short, 'NHPC Ltd.') whereby he has been transferred from Chenab Valley Power Projects Private Limited (for short, 'CVPPPL'), Corporate Office, Jammu to Baira Siul Power Station, Himachal Pradesh. The petitioner has also

sought a direction upon respondent No. 2 to conduct an inquiry against the conduct of respondent No. 7-Ramesh Mukhiya, Managing Director, Chenab Valley Power Projects Private Ltd. (CVPPPL), Jammu, against whom he is stated to have filed a complaint which is pending before respondent No. 2 with a further direction that respondent No. 2 should resolve all the pending issues of the petitioner.

- 02.** As per case of the petitioner, he was appointed as Trainee Engineer with NHPC Limited on 15.03.2004 and at present he is working as Group Senior Manager (Civil) since 2017 and is posted with CVPPPL, Corporate Office, Jammu. It has been submitted that in the previous past, the petitioner was transferred to Pakal Dul HE Project, Kishtwar in terms of an order dated 26.12.2024 which came to be challenged by him before this Court by way of a writ petition bearing WP(C) No. 184/2025. It has been submitted that vide interim order dated 30.01.2025 passed in the said writ petition, the respondents were directed to permit the petitioner to continue at his present place of posting till next date of hearing. While implementing the said order, the respondents permitted the petitioner to join at his present place of posting. The same was made subject to further orders of the Court.

**03.** It has been submitted that the petitioner, due to his upright conduct and because he has been questioning the administrative irregularities, is facing annoyance from senior officers and top management who have tried to suppress his voice in one way or the other. It has been submitted that in August 2025, the petitioner had made suggestions with regard to discrepancies in HR circular for celebration of Independence Day but respondent No. 5. Instead of addressing the issue, removed him from official WhatsApp group, which action has been challenged by him by way of a civil suit. It has been further submitted that on 10.12.2025 the petitioner had filed a representation before the Director (Personnel), NHPC limited highlighting the discrepancies in the format of undertaking for release of arrears.

**04.** On 13.01.2026, the petitioner is stated to have filed a complaint before respondent No. 6 regarding violation of NHPC Circular dated 29.04.2014 which provides for furnishing of copy of Performance Appraisal Report-(PAR) as the petitioner was not being provided a copy of his PAR.

**05.** It has also been submitted that another complaint dated 23.12.2025 has been filed by the petitioner against

respondent No. 5 for his gross negligence in handling service related issues of the petitioner. It has been submitted that on 15.01.2026 the petitioner was prevented from attending the review meeting and he was manhandled by security guards which forced him to file a complaint before Police Station, Bahu Fort, Jammu on 18.01.2026. When no action was taken, he filed an application before the Senior Superintendent of Police on 07.02.2026.

**06.** It has been further submitted that the petitioner filed a complaint dated 20.01.2026 before respondent No. 6 requesting initiation of disciplinary action against respondent No. 7 for continued misconduct, criminal intimidation and threat but no action was taken by the respondents. Instead of taking action in the matter, the respondents proceeded to issue the impugned order dated 12.02.2026 thereby transferring him outside the Union Territory of Jammu and Kashmir.

**07.** It has been further submitted that the petitioner has a pending issue regarding credit of his EL and HPL which was not credited to his leave account by the CO, CVPPL and the said issue is pending consideration before this Court in WP(C) No. 184/2025. It has been submitted

that without resolution of the said issue, the petitioner cannot join any other station as it will amount to further confusion in his service record. It has been contended that the impugned transfer order is not based on any organizational requirement or administrative exigency but it has been issued solely to victimize the petitioner.

**08.** Respondent Nos. 2 to 4 in their reply to the writ petition have submitted that the impugned order has been passed in administrative exigency for which the competent authority is the best judge to decide the distribution and utilization of service of its employees. It has been contended that the present transfer order has been issued by the parent company of the petitioner as there was shortage of manpower in Civil Engineering Discipline in Baira Siul Power Station. It has been further submitted that transfer of the petitioner has been effected after completion of his tenure at CVPPPL Region and that he has been transferred from a soft location to another soft location.

**09.** It has been contended that the petitioner has been transferred after serving for almost five years in Jammu Province and the transfer has been effected keeping in view the organizational interest as the petitioner has

already worked at the level of Assistant Manager at that place and his previous experience will be beneficial to the organization so as to get the works at his new place of posting executed in a proper manner. It has been submitted that the impugned transfer order is not actuated by any extraneous considerations.

**10.** Giving details of the leave/absence of the petitioner, it has been submitted by the respondents that the petitioner has worked merely for 41 days during the financial year 2022-23 as he has availed different kinds of leave during this period. It has been further submitted that the petitioner has remained unauthorizedly absent w.e.f. 27.08.2023 to 15.02.2024 and this period is yet to be regularized.

**11.** It has been further submitted that copy of PAR for the period 21.09.2022 to 31.03.2023 has already been furnished to the petitioner. It has been submitted that the petitioner has not been victimized by the Management but his transfer is strictly in accordance with the transfer policy of respondent-NHPC Limited. It has been contended that the petitioner has no right in law to question his transfer from one place to another, particularly, when there is no mala-fides alleged against

the parent organization i.e. NHPC Limited which has passed the impugned transfer order.

**12.** Respondent Nos. 5 and 6-(CVPPPL) have filed their separate objections to the writ petition. In their objections, it has been submitted that the impugned order has not been issued by the said organization but it has been issued by the parent organization i.e. NHPC Limited. It has been submitted that the petitioner was transferred from Ranjit Power Station to Chenab Valley Power Projects Private Limited (CVPPPL) vide order dated 22.04.2021 issued by the NHPC Limited whereafter he was posted at Pakal Dul HE Project of CVPPPL vide order dated 30.06.2021, because as per the transfer policy, he was required to serve at difficult posting after having been transferred from soft posting. It has been submitted that the petitioner remained physically present at difficult posting only for eleven months as he opted for one or the other kind of leave to avoid serving on difficult posting.

**13.** It has been submitted that the petitioner applied for his sabbatical leave w.e.f. 01.07.2023 to 30.06.2025 but the said leave was never sanctioned by the competent authority as a result of which the petitioner remained unauthorizedly absent from duty during the period from

27.08.2023 to 15.02.2024. The petitioner is stated to have been transferred to Corporate Office of CVPPPL on 22.01.2024 where he joined on 16.02.2024. The said posting is stated to be a soft posting.

**14.** It has been submitted that the petitioner is in the habit of filing complaints / communications / grievances / representations repeatedly against the authorities of CVPPPL without following the proper channels. According to respondent-CVPPPL, the petitioner has been time and again cautioned to desist from such activities and in this regard letter dated 14.11.2024 as also an advisory letter dated 23.07.2025 were issued to the petitioner. It has been submitted that the aforesaid activities of the petitioner amount to misconduct and he was issued a show cause notice dated 03.01.2025 by CVPPPL. The same is subject matter of consideration in WP(C) No. 184/2025.

**15.** Regarding removal of the petitioner from WhatsApp group, it has been submitted that the said group is unofficial and informal. It has been submitted that the petitioner was removed from the said group because he was posting illogical and inappropriate messages thereby creating unnecessary disturbance in the group.

**16.** Regarding furnishing of copies of Performance Appraisal Reports (PARs) , respondent-CVPPPL has submitted that the petitioner has been provided the same after receiving comments from the parent organization i.e. NHPC Limited. It has been submitted that as soon as PARs completed in all respects were available in HR Department of the CVPPPL, the same were provided to the petitioner. It has been submitted that the impugned order has been issued by the parent organization whereby the petitioner has been transferred to a soft posting and that the present petition is only an attempt to avoid the transfer on vague and extraneous considerations.

**17.** I have heard learned counsel for the parties and perused record of the case.

**18.** Before coming to the merits of the challenge laid by the petitioner against the impugned order of transfer, it is necessary to analyze the legal position as regards the scope of power of the Court to interfere with an order of transfer. It is a settled law that a government servant has no vested right to remain posted at a place of his choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the

administrative exigencies from one place to the other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the government servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires **(Refer State of U.P. Vs. Gobardhan Lal, 2004 11 SCC P 406).**

19. The Supreme Court, while considering the scope of power of Courts to interfere with the transfer order, has in the case of **Shilpi Bose & Ors. Vs. State of Bihar & Ors. 1991 Supp (2) SCC 659**, held as under :-

“4. In our opinion, the Courts should not interfere with a transfer Order which is made in public interest and for administrative reasons unless the transfer Orders are made in violation of any mandatory statutory Rule or on the ground of mala-fide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer Orders issued by the competent authority do not violate any of his legal rights. Even if a transfer Order is passed in violation of executive instructions or Orders, the Courts ordinarily should not interfere with the Order instead affected party should

approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer Orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court over looked these aspects in interfering with the transfer orders.”

20. Again in the case of **N.K. Singh Vs. Union of India, 1994 6 SCC 98**, the Supreme Court has while considering the aforesaid issue has observed as under :-

“6. ... the scope of judicial review in matters of transfer of a government servant to an equivalent post without any adverse consequence on the service or career prospects is very limited being confined only to the grounds of mala fides and violation of any specific provision....”

21. From the foregoing analysis of the legal position, it is clear that scope of interference in transfer orders of employees by the Courts is of a very limited nature. Over the years, the grounds for interference in transfer orders that have evolved on the basis of judicial precedents include mala-fides, violation of statutory rules, transfer order issued by an incompetent authority, transfers driven by political consideration, transfers outside the cadre and transfers used as a punitive measure.

**22.** In the present case, the petitioner is claiming that the impugned order of transfer is a result of mala-fides as he has been agitating against the policies of the respondents and in fact, he had to file a writ petition impugning his transfer from Jammu to Kishtwar, which transfer order was issued by the CVPPPL as a punitive measure. It is case of the petitioner that the issue with regard to his sabbatical leave is not being resolved by the respondents and if he is transferred to a place outside the Union Territory of Jammu and Kashmir, he will not be able to pursue the said matter, which in fact, is subject matter of determination before this Court in another writ petition filed by him.

**23.** There is no doubt to the fact that the material on record does show that the petitioner has been at odds with the management of respondent-CVPPPL. He has made several complaints and representations with the respondent-CVPPPL regarding the issue relating to his unauthorized absence, furnishing of Performance Appraisal Reports (PARs) and his objection with regard to format of undertaking to be furnished by the employees while seeking release of arrears of salary on account of pay anomaly. However, the petitioner has not raised any allegation of mala-fides against his parent organization

i.e. NHPC Limited. The order impugned has been issued by the NHPC Limited which is the parent organization of petitioner. In the absence of any allegations of mala-fides against the authority which has issued the impugned order, the grounds projected by the petitioner for impugning the transfer order appear to be meritless.

- 24.** The respondents have placed on record a copy of transfer policy issued by respondent-NHPC Limited. As per the said transfer policy, CVPPPL Kiru and Pakal Dul come within the category of difficult posting whereas CVPPPL Jammu and Baira Siul, Regional Office, Banikhet, fall under the category of soft posting. The record shows that the petitioner has remained posted in the Union Territory of Jammu and Kashmir for the last about five years out of which he has mostly remained physically posted at Jammu which is a soft posting. When he was transferred to difficult posting at Pakal Dul, Kishtwar, he has availed leave. From Jammu the petitioner has been transferred and posted to project at Baira Siul, Regional Office, Banikhet, which is a place located at Himachal Pradesh and it has been categorized as soft posting. Thus, petitioner has been transferred from one soft posting to another soft posting. It is pertinent to mention here that the place to which the petitioner has been transferred is

nearer to his hometown, Faridabad than Jammu. Thus, it cannot be stated that impugned transfer order is either punitive in nature or the same is a result of mala-fides.

**25.** As per the transfer policy issued by NHPC Limited, transfer of an employee has to be considered after he has spent a minimum of two years at hard location and three years at difficult location and four years in a soft station. It further provides that tenure of two years at Cluster I i.e. Hard Posting and tenure of three years at Cluster II i.e. Difficult Posting would constitute only the physical stay excepting the leave.

**26.** In the instant case, the petitioner has physically spent only 41 days at Kishtwar which is a hard location and thereafter he has been transferred to Jammu, where he is posted since February, 2024. His transfer back to hard posting at Kishtwar has been stayed by this Court and in the meantime, the parent organization has passed the impugned order posting the petitioner to another soft location in Himachal Pradesh which is nearer to his hometown. Therefore, no violation of the transfer policy has been committed by the respondent-NHPC Limited by issuing the impugned order of transfer.

**27.** In view of the foregoing discussion, the case of the petitioner does not fall into any of the categories in which this Court can interfere. The grounds projected by the petitioner for impugning the transfer order are without any merit. Accordingly, the writ petition is found to be meritless and is dismissed.

**(SANJAY DHAR)  
JUDGE**

**JAMMU  
12.03.2026  
SUNIL**

