

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 28782 of 2013 (O&M)

Date of Decision: 31.12.2013.

Randhir Singh

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Kharb, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Challenge in the instant writ petition is to the order dated 16.12.2013 (Annexure P-5), whereby the petitioner while serving as Assistant Professor, Physical Education has been transferred from Govt. College, Jind to Govt. College, Julana.

Learned counsel for the petitioner would assail the transfer of the petitioner primarily on the ground that his wife, who is also a govt. employee and is serving as a J.B.T Teacher in a Govt. School, Jind City, is suffering from a serious health ailment i.e. Acute Renal Failure and has already undergone kidney transplant. Towards such assertion counsel would refer to the documents placed on record at Annexures P-1 to P-3. It is argued that under such hard and pressing circumstances, whereby the wife of the petitioner would require continuous medical attention and assistance, the petitioner deserves not to be displaced from Jind. It is further contended that even under the transfer policy formulated by the State, there is a provision for adjusting husband and wife, who happen to be govt. employees i.e. a couple case at the same place of posting.

Having heard learned counsel for the petitioner at length, I am not inclined to interfere in an order of transfer. Transfer is an incidence of service. Be that as it may, the State Govt./competent authority is certainly obligated to keep in mind the transfer policy/instructions issued by the State Govt. while effecting transfers. A reference in this regard may be made to the decision of the Hon'ble Apex Court in case of **Union of India & others Vs. S.L. Abbas, 1995 (4) S.C.T. 455.**

Accordingly, while disposing of the present writ petition, liberty is granted to the petitioner to submit a comprehensive representation with regard to his transfer from Jind to Julana. In the eventuality of any such representation being preferred within a period of 3 days from today, respondent no.1 would be obligated to consider the same and to take a final decision thereupon within a period of 7 days thereafter.

As an interim measure, status quo as regards place of posting of the petitioner, as it exists today, shall be maintained for a period of two weeks.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

December 31, 2013.

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