

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.19503 of 2013
Date of decision: 14.09.2015**

Rajwanti Devi

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Ravinder Pal Singh, Advocate
for the petitioner.

Mr. M.S. Rana, Advocate
for the respondents.

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HARINDER SINGH SIDHU, J.

Yashbir Singh, husband of the petitioner was working as driver in the General Reserve Engineers Force (GREF) since 1984. He died in harness on 06.05.1996. His widow, Rajwanti Devi-petitioner was appointed as Pioneer on 18.01.2003 on compassionate ground and posted at Chandigarh. In August, 2008, she was transferred to Barmer (Rajasthan) and in August, 2011, she was again transferred to Chandigarh on the same post of Pioneer. Now, she has filed this petition for quashing of transfer order dated 19/24.08.2013 (Annexure P-1) whereby she has been ordered to be transferred from 1645 PNR COY. (GREF) under the Project Deepak, Chandigarh to 1651 PNR COY. (GREF) under the Project Shivalik, Rishikesh (Uttaranchal).

It was pleaded that the petitioner has two school going

children, who are studying at Chandigarh and her transfer from Chandigarh would spoil the career of her children.

A reference was made to Section 47(a) (b) and (c) of the General Reserve Engineering Force, Record Office Instructions, 1998. As per which, female employees are required to be asked three choice stations in three different projects and efforts will be made to post them at one of the choice stations. As per Clause (b), case of a widow having School going children (below 15 years of age) will be considered on merits and efforts will be made to post her to the units where schooling facilities are available, to the extent possible.

The case of the petitioner was that the impugned transfer order was issued without compliance of the instructions and no choice stations were sought from the petitioner before making the transfer.

While issuing notice of motion on 04.09.2013, the operation of the impugned movement order dated 24.08.2013 (Annexure P-1) had been directed to remain stayed. Consequent thereto, the petitioner has remained stationed at Chandigarh.

Since the only grievance of the petitioner was that the impugned transfer order has been made without complying with the instructions referred to above and no choice of stations in three different projects as required by Section 47(a) has been sought from her therefore, the present writ petition can be disposed with directions to the respondents to seek three choice stations in three different projects from the petitioner.

In view of the above, the present petition is disposed of with a direction to the petitioner to submit her choice stations in three different projects in terms of the instructions within one month and on such representation/request being submitted respondent No.2/Competent Authority would take a decision within a period of six week thereafter.

Till a decision is taken by the competent authority on the request of the petitioner regarding her choice stations, the impugned order dated 19/24.08.2013 (Annexure P-1) shall remain stayed.

(Harinder Singh Sidhu)
Judge

14.09.2015
Atul