

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

Civil Writ Petition No.18225 of 2015

Date of decision: 31.8.2015

Lalit Kumar Kohli

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.S.S.Rangi, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

This writ petition complains against frequent transfers suffered by the petitioner to and from different jails in Punjab. Presently, the petitioner, who is a Deputy Superintendent of Jails, has been transferred to District Jail, Mansa. He has approached this Court for directions to the State to set aside his transfer since these transfers are not contemplated in the policy of transfer in such frequency. The last transfer order [P-7] has been issued on 26th August, 2015 which is a petitioner's immediate cause and grievance. However, he has not brought his grievance to the notice of the competent administrative authority for the redress of his grievances at the level of the Government and has approached this Court directly. In **Shilpi Bose (Mrs.) v. State of Bihar**, AIR 1991 SC 532, the Supreme Court has

observed that in transfer matters affected party should first approach higher authorities in the department, since the normal rule is that the High Court should not interfere in transfer matters unless they are tainted with unfairness and malafides.

Thus, persons aggrieved should be asked to make representations and memorials to the Government and bring to its notice any hardship etc. involved in the transfer in order to seek redress.

Therefore, the petitioner would approach the Administrative Secretary of the Jail Department or any other competent authority designated to hear the grievance and take a decision within 10 days from the date of receipt of a certified copy of this order. In case, the petitioner has nothing more to say than what he has said in this petition, then this petition may be treated as a representation and the petitioner be afforded an opportunity of hearing before the final decision is taken. Till 10 days, status quo will be maintained, as it exists today, to enable a proper and effective hearing in the quarters concerned.

With these directions, this petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

August 31, 2015

Paritosh Kumar