

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

**Civil Writ Petition No.19795 of 2015
Date of decision: 17.9.2015**

ASI (LR) Anoop Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Kamaldip Singh Sidhu, 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 is a matter involving posting and transfer. The petitioner is a Head Constable with local rank of Assistant Sub Inspector in the Counter Intelligence, Sub-Unit, Abohar. He says that he has suffered a flurry of transfer orders involving 7 movements in the recent past and is on the verge of retirement. He has been transferred from Abohar to Chandigarh to work in Police Control Room at Punjab Police Headquarters, Chandigarh. The impugned order of transfer has been passed on 11.9.2015 and has been communicated to the petitioner by fax on the same day. The petitioner has set out the history of his transfers and all the litigation that he has had to resort to, to protect his rights which materials have been placed on the

record of this case. However, before approaching this Court, the petitioner has not availed his remedy before the primary authority to hear grievances of employees. This step, before approaching this Court has been commended by the Supreme Court in **Shilpi Bose (Mrs.) v. State of Bihar**; AIR 1991 SC 532.

In view of the law in **Shilpi Bose's** case, the petitioner is relegated in the first instance to his administrative remedy before the transferring authority, i.e., respondent No.2 to hear the grievance of the petitioner in a sympathetic manner keeping in view the time left for superannuation, and then to pass an order. In case the petitioner makes out a case of retention in Abohar, then it would not be necessary for the decision-maker to pass an order on merits of his claim. However, in case an adverse order is contemplated in the sense that the posting order will remain operative, then the necessity would arise to pass a speaking order and communicate the same to the petitioner after hearing him. Since the petitioner has not made a representation to the Government, learned counsel for the petitioner submits that this petition be allowed to be treated as a representation for consideration of the competent authority in the Government. The request is accepted to save time. A copy of this petition will be supplied by the petitioner in the office of the second respondent on 18.9.2015 and the decision thereon be taken thereon within 7 days thereafter.

In the meanwhile, the petitioner will be retained at Abohar to await hearing and final orders as may be passed by the officer concerned to whom this matter has been relegated.

With the above directions, the petition stands disposed of.

A copy of this order be given to the learned counsel for the petitioner under the signatures of the Bench Secretary of this Court.

(RAJIV NARAIN RAINA)
JUDGE

September 17, 2015
Paritosh Kumar