

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

CWP- 22280-2014 (O&M)

Date of Decision : 09.07.2015

Kuldeep Singh

..... Petitioner

versus

Union of India & another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Vivek Singla, Advocate and
Mr. Anil Chawla, Advocate
for respondents-Union of India.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

By this writ petition the petitioner has challenged the transfer order dated 17.10.2014 (Annexure P-4).

On 31.10.2014 this Court recorded the following contention :-

“Learned counsel for the petitioner refers to the medical record of wife of the petitioner and also a representation Annexure P-5, to contend, inter alia, that petitioner is being frequently transferred without there being any justified reason. He further submits that wife of the petitioner is about to be operated in the

PGIMER, Chandigarh."

On this ground the operation of the transfer order was stayed.

The petitioner joined the service with the CISF as Sub-Inspector/Executive on 01.07.1987. In January 2004 the petitioner was posted at CISF Unit SCCL Singreni (Telangana) and filed a writ petition for promotion, seniority and home posting before the Hon'ble High Court of Delhi but on 04.10.2005 that writ petition became infructuous as the relief of seniority and promotion, as claimed by him was granted to him. On 20.08.2007 he was transferred to CISF Unit P&HCS, Chandigarh and on 10.09.2008 he was again transferred out of Chandigarh to WS (TAPS Tarapur). On 10.02.2009 the above transfer order was deferred on educational grounds of his daughter and he was transferred to another Unit within Chandigarh i.e. CISF Group Head Quarters, Chandigarh. On 08.06.2010 the petitioner was transferred to CISF unit NPM Jagiroad, Assam and on 14.05.2011 he was again transferred to NRL, Numaligarh, Assam. On 28.09.2012 he was transferred to CISF, Headquarters, New Delhi. On 26.10.2013 he was again transferred to Punjab & Haryana Civil Secretariat, Chandigarh. On 17.10.2014 he was again transferred to Bhilai, M.P. On 19.10.2014 he made a representation before the Director General, CISF-respondent No.2 on the ground that his wife is under treatment from PGIMER, Chandigarh for 2nd stage multi cyst in ovary and his daughter was in 2nd

year of graduation and son was in 8th class. On 22.10.2014 he was asked to appear before the DIG/PERS CISF HQRS for redressal of the same on 28.10.2014 but on that day his request had been turned down.

Today learned counsel for the petitioner states that though the wife of the petitioner is still unwell yet fortunately she did not have to undergo operation. He has further argued that the petitioner was being sought to be transferred after less than one year and that too even though his wife is suffering from serious illness.

A perusal of the above facts reveals that the petitioner has stayed in Chandigarh from 20.08.2007 till 08.06.2010 and then in Delhi from 28.09.2012 till 25.10.2013 and then in Chandigarh from 26.10.2013 and is continuing in Chandigarh since then.

In my opinion though the petitioner deserves sympathy yet there would be countless employees who may have sick family members but who yet have to follow transfer orders in the exigency of service, moreso in a force like CISF. In these circumstances I do not feel it appropriate to substitute my own opinion with regard to where the petitioner should be posted in preference to the opinion of the respondents. Of course this observation would not come in the way of the respondents if they want to accommodate the petitioner.

No other argument has been raised by the learned counsel for the petitioner.

Petition is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

09.07.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**