

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

**CWP NO. 23179 OF 2015(O&M)
DECIDED ON : 31.10.2015**

Nirmal Singh

...Petitioner

versus

The State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. Pawan Kumar, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

This petition has been filed against the grievance of the petitioner in the matter of transfer and posting. The petitioner is a Forest Block Officer and claims that he has been transferred frequently in a short spell of time. The present impugned transfer and posting is from Faridkot Block to Baghapurana Block which is at a distance of 50 to 60 kms. He has brought his grievance to the notice of his superior authorities by representation dated 07.10.2015 (Annexure P-8) which has not been decided so far.

In these circumstances, without knowing the reason of transfer, it is not possible for this Court to form any opinion and in terms of authority "***Shilpa Bose (Mrs.) v. State of Bihar***"

AIR 1991 SC 532", a direction is issued to the respondents to consider and decide the representation (Annexure P-8) within ten days from the receipt of certified copy of this order.

It is expected that the competent authority shall keep in mind the Policy Instructions for transfers and postings issued by the Punjab Government on 08.06.2015 (Annexure P-6) and to take stock of the frequent transfers and the causes for the same. The policy would protect ordinarily a posting for about three years at a stretch. In case merit is found in the grievance of the petitioner, than the appropriate office orders can be passed without necessity of affording an opportunity of hearing to the petitioner or of passing a speaking order. However, if the impugned transfer is to be sustained, than the petitioner would be heard and a reasoned order shall be passed assigning reasons for the transfer, in which case the period of compliance would be extended by ten days.

Till the said representation (Annexure P-8) is decided, status-quo with respect to transfer and posting qua the petitioner shall be maintained as it exists today.

With the above said observations and directions, the petition is disposed of.

OCTOBER 31, 2015
shalini

(RAJIV NARAIN RAINA)
JUDGE