

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

Civil Writ Petition No.23939 of 2015

Date of decision: 6.11.2015

Tejwant Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Dheeraj Mahajan, 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)

The petitioner is working as a Patwari. He has approached this Court directly against a transfer order within the district. This is his 4th transfer within a year. The order has been passed on 30.10.2015 by the Collector, Amritsar.

If the petitioner has a grievance against the transfer, he is at liberty to make a representation to the officer explaining his circumstances and the policy of transfers that he should be retained at the present place of posting.

Such a direction would be inline with the decision of the Supreme Court in **Shilpi Bose (Mrs.) v. State of Bihar**; AIR 1991 SC 532

advising the High Courts not to entertain transfer and posting matters

directly without first calling upon the petitioners to seek their administrative remedies in the first instance.

Accordingly, the present petition is disposed of with a direction to the competent authority to decide upon the grievance/representation of the petitioner by treating this petition as a supplementary representation within a period of one week from the date of submission of the representation. The competent authority in making its decision would apply the law in **Union of India and others v. S.L.Abbas**; 1995 (4) SCT 455 where the Supreme Court has categorically observed that the competent authority while issuing orders of transfer shall keep in mind the transfer guidelines/policy framed by the State itself.

Till the final decision is taken on the representation to be filed by the petitioner by the Administrator, operation of the impugned orders [P-4] and [P-6] shall remained stayed.

Order **dasti**.

(RAJIV NARAIN RAINA)
JUDGE

November 6, 2015
Paritosh Kumar