

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

**C.W.P. No. 6421 of 2015
Date of Decision : 08.04.2015**

Suresh Dangi

..... Petitioner

versus

State of Haryana & another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K.Malik, Senior Advocate with
Mr.Kuldeep Sheoran, Advocate
for the petitioner.

Mr.Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr.Aman Pal, Advocate for respondent No.2.

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 petition the petitioner has challenged order dated
31/03/2015 (Annexure P-7) whereby he was transferred from
Chandigarh to Sonapat.

On 07.04.2015 the following contentions were noted :-

- "i) Firstly that as per the policy the normal tenure is 3 years;*
- ii) Secondly the couple cases have to be given different consideration;*
- iii) Thirdly the person should not be normally transferred within one year of his retirement."*

Today short reply has been filed, in which it has been mentioned that as regards the first contention noted above the fact of the matter is that the petitioner has remained in Sonapat for 8-9 years during his entire service and out of four posts of Superintending Engineer in the head quarter one had been transferred out, one is on long leave and one has been tipped for promotion to Chief Engineer. In the circumstances, it is due to exigencies of service that the petitioner was transferred to the Head Quarter. As regards second and third ground, it has been clarified that these stipulations are neither designed nor can be taken to be mandatory and have to yield place to public interest.

Learned senior counsel for the petitioner has vehemently argued that keeping in view the fact that the three conditions were not strictly satisfied it was very easy for respondent No.2 to have been posted to the head quarter to enable the petitioner to spend the last year of his service as per the policy.

Even though this argument can not be lightly discarded and the government can not be permitted to depart from its own policy on a whimsical ground yet it can also not be denied that the Court is not a super authority sitting on the head of the Government and the reply does indicate that there were some reasons for the transfer of the petitioner. Of course, as learned senior counsel for the petitioner has pointed out, the reason given may not be very substantial but that is a matter of perception. It is trite to say that the executive has to be given

some play in the joints.

Keeping in view the entire factual matrix, I do not deem it appropriate to interfere.

Dismissed.

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

08.04.2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**