

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

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**CWP No. 10934 of 2016 (O&M)
Date of decision: 26.08.2016**

Ratan Pal

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Kiran Pal Singh, Advocate
for the applicant-petitioner.

Mr. Vipin Mahajan, Advocate
for respondents.

P.B. Bajanthri, J. (Oral)

The petitioner has prayed for the following relief: -

(ii) After perusal of the same, this

Hon'ble High Court may kindly be

pleased to issue a writ in the nature of

certiorari for quashing the Article of

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charges (chargesheet) dated 25.08.2014 (Annexure P-11) leveled against the petitioner and to quash the impugned order dated 28.02.2015 (Annexure P-21) and to quash the order dated 07.04.2016 (Annexure P-25) and stopping one increment of the petitioner and to quash the order dated 11.05.2016 (Annexure P-29) transferring the petitioner from Bathinda to Mumbai as punishment just to harass the petitioner for complying the order passed by this Hon'ble Court.

(iii) The operation of the impugned order dated 07.04.2016 (P-25) and 11.05.2016 (P-29) may kindly be stayed and the petitioner be allowed to continue in the Bathinda office of Hindustan Insecticides Limited during the pendency of the present writ petition in the interest of justice.

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restricted his prayed challenge to transfer order dated 11.05.2016 (Annexure P-29). The petitioner has challenge the transfer order on the allegations that he has recommended one Mr. Satpal for the purpose of promotion, pursuant to the directions of this Court passed in CWP No. 6287 of 2014 on 01.04.2014. The petitioner states that at the relevant point of time he was incharge of the concerned section. Therefore, consideration Mr. Satpal's representation read with the order of this Court passed in CWP No. 6287 of 2014 in favour of Satpal by the petitioner, which was objected by the other officials in the organization stating that it was contrary to the facts that Satpal was not entitle for promotion.

3. Thereafter, they have passed the order reverting him which is subject matter before this Court. This incident was taken note of by the respondent and victimized the petitioner by transferring him from Bathinda to Rasayani Unit (Mumbai) which is part of Mumbai office.

4. Learned counsel for the petitioner further submitted that he is due for retirement within one year. The guidelines provides for retention of such of those employees, who is due for retirement and he/she is entitle to continue in the post held by him/her. Therefore, the respondents should not have transferred the petitioner and it is contrary to guidelines relating to transfer.

5. Per contra, learned counsel for the respondents furnished original file relating to transfer. On 04.05.2016, the respondents took a decision “rotation of official working in sensitive post” with reference to the subject an internal direction has been issued, which is as under:-

“In light of above all the units heads are hereby advised to identify such post and suggest the name of officers who are working in commercial/quality assurance and Finance department for a longer period in their entire service period, in a particular location with the purpose to rotate the officials for industrial unit transferred in a forced manner, list of names, department wise should reach to us latest by 11.05.2015 for necessary compliance of vigilance directions”.

6. Pursuant to the aforesaid directions, a list has been prepared in respect of commercial/quality assurance and finance.

Name of the petitioner appears at Sr. No. 7 in the Finance wing.

The petitioner has put in 13 years 2 months in the present post.

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That apart, reasons for posting the petitioner to Rasayani Unit is with reference to the fact that the DGM (Finance) at Rasayani Unit was under suspension as on 09.05.2016. In order to fill up the suspension post, the petitioner has been transferred and posted in the administrative interest.

7. It was further contended by the learned counsel for the respondents that the alleged allegations made by the petitioner are relates back to 2014 and his transfer is in month of May 2016. If the intention of the respondents were to transfer the petitioner by way of punishment they could have punished him by way of transfer in the year 2014 and 2015 when the file of Satpal was attended by the petitioner.

8. Heard the learned counsel for the parties.

9. Perusal of the records reveals that the petitioner's transfer is in the administrative interest on two counts. One is the policy decision of the respondents namely rotation of officials working in sensitive post dated 04.05.2016. The other one is DGM (Finance) at Rasayani Unit was placed under suspension and in order to fill up the post of DGM (Finance) at Rasyani Unit, the petitioner has been transferred. There is no mala fide intention of the respondents to transfer the petitioner on the ground that he had favoured one Satpal for the purpose of his promotion with

reference to the directions of this Court in CWP No. 6287 of 2014, which was disposed on 01.04.2014 with the direction to the respondent No. 3 (petitioner) then. The said direction as well as consideration of the Satpal promotion is not at all related to the present transfer order dated 11.05.2016. The petitioner has not made out a case so as to interfere with the order of transfer dated 11.05.2016 (Annexure P-29).

10. Petition stands dismissed.

26.08.2016
sahil soni

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No