

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

CWP No. 14807 of 2014

Date of decision: 04.08.2016

Ashwani Kumar

...Petitioner

V/s.

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

Present: Ms. Ruby Thakur, Advocate for
Ms. G.K. Mann, Advocate for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 14.07.2014 (Annexure P-3) vide which the petitioner has been transferred from C.V.D. Gumanpura, Amritsar to C.V.D. Padrikalan, Amritsar.

Learned State counsel submits that as per transfer policy, an employee can remain posted at a particular place for a period of 03 years.

The petitioner remained posted at C.V.D. Gumanpura, Amritsar approximately for a period of 02 years and 10 months as he was posted there on 04.10.2013. Learned counsel for the petitioner submits that the petitioner cannot be transferred contrary to the transfer policy.

Heard arguments and have also perused the documents on the file.

As per policy, the maximum period of stay is 03 years at a particular place. The interim order was passed in favour of the petitioner on 30.07.2014. Today also, the case has been called twice but arguing counsel

is not available to argue the case. Moreover, the petitioner remained posted at the present place of posting approximately for the last 02 years and 10 months and the petitioner is continuing to work at the present place of posting due to interim order passed by this Court.

In view of the above, present petition is disposed of with a direction to respondents not to transfer the petitioner till expiry of period of 03 years which is going to expire on October 04, 2016. The respondents are at liberty to post the petitioner as per administrative exigency.

(DAYA CHAUDHARY)
JUDGE

August 04, 2016
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No