

**Sr. No.126
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.13690 of 2016 (O&M)
Date of Decision: 14.07.2016**

Shish Pal and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Deepak Sonak, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners are serving as Jail Warders in the State of Haryana.

Challenge in the present petition is to the order dated 07.07.2016 at Annexure P-2 in terms of which a number of Jail Warders including the present petitioners have been transferred.

On a specific query having been put, counsel would concede that each one of the petitioners has served for a period in excess of five years at the present place of posting.

Suffice it to observe that transfer is an incidence of service. The petitioners having already served at one place of posting for a period of more than five years, this Court would not be inclined to interfere in a transfer order. It is not even the case of the petitioners that the order of transfer has been passed by an authority who did not have the power to do so. Even though averments as regards a method of pick and choose having been made and suggestive of mala fides but such allegations are not directed against any particular official and nor has any official been impleaded as party respondent by name. Allegations of mala fide as such cannot sustain.

Faced with such a situation counsel submits that purely on humanitarian ground directions be issued to the respondent authorities/competent authority to take a decision upon the representation dated 08.07.2016 at Annexure P-4 that is stated to have already been submitted against the impugned order of transfer dated 07.07.2016. In this regard counsel submits that the impugned order is in the nature of a mid-term transfer and if the same is given effect to, the same would interfere in the education of the children of the petitioners who are studying in different schools situated at the present place of posting of the petitioners.

In the light of such limited prayer and submission made by the petitioner, this Court while declining to interfere in the impugned order, the Writ petition is disposed of with a direction to respondent No.2 to examine the representation dated 08.07.2016 (Annexure P-4) and to take a final view on the same within a period of 05 days from today i.e. on or before 19.07.2016.

Purely as an interim measure, it is directed that the impugned order dated 07.07.2016 would not be put in operation till such date i.e. 19.07.2016, qua the petitioners.

Disposed of.

14.07.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE