

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 15937 of 2014 (O&M)

Date of Decision : January 22, 2016

Vidya Rani Petitioner

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. J. S. Dahiya, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

C. M. No. 1349 of 2015 :

Application is allowed and replication to written statement of respondents no. 1 and 2, along with Annexures, is taken on record.

Main Case :

Through the present petition, challenge is made by the petitioner, who serves the respondents as a Staff Nurse, to her transfer from Sonapat to Juan, District Sonapat. The petitioner has challenged her

transfer on the ground that she is a widow, mother of a minor daughter and medically not fit to travel. She further relies on a policy of the Government dated 27.03.2006 (Annexure P-2) to adjust her near her residence.

A written statement has been filed on behalf of the State, in which the petitioner has been accused of misleading the Court as it is stated therein that the petitioner is not a widow as she was divorced from her husband in the year 2004 and thereafter, has not re-married. It is further submitted that her daughter is also not a minor.

In the replication filed, the petitioner admits to the divorce but states that on account of a compromise, she again started living with her ex-husband, who later died. However, there is no denial with regard to her daughter being major at the time of passing of the impugned transfer order.

From the aforesaid facts, it is clear that the petitioner has not come to the Court with clean hands. At the time of filing of the writ petition, she was not a widow and even if, on the basis of a compromise, she was living with her ex-husband, who later died, all these facts ought to have been pleaded by her in her petition. The other fact projecting herself to be the mother of minor daughter was also a false assertion by her. For having not come to the Court with clean hands, the petitioner deserves no relief.

Even otherwise, the petitioner admittedly has been serving for over 12 years on the post, from which she has been transferred and that

Juan, District Sonapat, the place where she has been transferred, is hardly at the distance of about 20-25 kilometers from the place, from where she has been transferred.

No medical record has been placed on the record of the case showing that the petitioner is absolutely unfit to travel.

The policy decision relied upon by the counsel for the petitioner to post the petitioner, a widow/divorcee near her residence is there only to guide the administrative Authorities. Even otherwise, as noticed above, the petitioner has already served for over 12 years on the post from where she has been transferred and that the place where she has been transferred, is only at a short distance from her residence.

Finding no merit in the present petition, the same is hereby dismissed.

No costs.

**(DEEPAK SIBAL)
JUDGE**

January 22, 2016

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