

Sr. No.111

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.15953 of 2016 (O&M)

Date of Decision: 11.08.2016

Indira Devi

... Petitioner

Versus

The State of Haryana and others

... Respondents

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

Present:- Mr. Surinder Gandhi, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

CM No.9605 of 2016

Application is allowed, as prayed for.

Additional affidavit dated 08.08.2016 of the petitioner is taken
on record.

Application disposed of.

Main Case

The petitioner who is serving on the post of Deputy Superintendent in the Public Health Engineering Department, State of Haryana has filed the instant petition being aggrieved of her transfer from Sirsa to Jhajjar.

The sole ground of challenge raised by learned counsel is that date of superannuation of the petitioner is 30.06.2017 and under the prevalent transfer policy framed by the State Government there is

stipulation whereby an employee who is on the verge of retirement should not normally be dislocated.

This Court having heard counsel for the petitioner and having perused the pleadings on record is not inclined to interfere in the matter.

The additional affidavit dated 08.08.2016 of the petitioner and duly placed on record would indicate that the petitioner had entered service on the post of Clerk on 16.02.1979. The details of her previous postings and transfers have been furnished in such additional affidavit. The same would reveal that from 16.02.1979 till the date of passing of the impugned order of transfer in the year 2016, apart from a period of 04 months approximately i.e. 24.09.2013 to 20.01.2014 when she had been transferred to Fatehabad, she has always remained posted at Sirsa. In other words, in a span of service of 37 years approximately, more than 36½ years she has stayed at Sirsa.

Under such circumstances, the petitioner having been transferred out of Sirsa to Jhajjar cannot raise any grievance thereto. Transfer is an incidence of service. Stipulations and conditions in a transfer policy do not vest an enforceable right in an employee. Undoubtedly, a transfer policy framed by the State Government should ideally serve as guidelines and should be followed as far as possible. Deviations though may be necessary in the exigency of service.

These are matters which are required to be agitated and dealt with before the respondent authorities/employer.

In view of the above and while declining to interfere in the matter, liberty is granted to the petitioner to approach the respondent authorities as regards her grievance and against the backdrop of the transfer

policy that may have been framed by the State Government.

Writ petition is disposed of.

11.08.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No