

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 18325 of 2016 (O&M)

Date of Decision: 05.09.2016.

Raj Bala

--Petitioner

Versus

State of Haryana and others

--Respondents

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

Present:- Mr. Bimal Maini, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving on the post of Matron under the Department of Health Services, State of Haryana has filed the instant petition impugning the order dated 23.8.2016 (Annexure P-1), whereby she has been transferred from Civil Hospital, Panipat to Civil Hospital, Rohtak.

Counsel assails the order on three counts. It is contended that the petitioner had joined at Panipat on 1.12.2014 and as such has not completed the normal tenure of posting of three years and on such ground itself she could not have been relocated. Further submitted that husband of the petitioner is also in Govt. service and posted at Panipat and being a couple case the petitioner under the Transfer Policy framed by the State Govt. has a right to be retained at Panipat itself. Counsel has also adverted to a certificate placed on record at Annexure p-3 to contend that petitioner is suffering from a chronic disease and the impugned transfer is totally unwarranted keeping in view her medical condition.

Having heard counsel for the petitioner at length, this Court is of the considered view that no interference in the case is called for.

Transfer is an incidence of service. Petitioner has been serving at Panipat since 1.12.2014. She has now been transferred to Rohtak after a period of almost 2 ½ years. No exception can be taken to the same.

The submission as regards a normal tenure of posting of three years and for some indulgence to be shown to a couple case, the same is on the strength of a Transfer Policy framed by the State Govt. Terms and conditions of a Transfer Policy do not vest an enforceable right in favour of an employee.

Even the chronic disease certificate at Annexure P-3 has been perused and as per which a Board of Doctors at B.S.S. General Hospital, Panipat having examined the petitioner found her suffering from O.A. B/L. Knee. This Court would proceed on the assumption that such certificate is valid and correct. While declining to interfere in the impugned order of transfer on the basis of the certificate at Annexure P-3 it would suffice to observe that the petitioner would perhaps get better medical treatment/attention at Rohtak.

No ground for interference is made out.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

05.09.2016

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Whether speaking/reasoned: Yes

Whether Reportable: No