

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

Civil Writ Petition No.1864 of 2016

Date of decision: 29.1.2016

Gurkirpal Singh Randhawa

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Naveen Bawa, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioner is working as an Additional Superintending Engineer. He has approached this Court directly against a transfer order inter district. This is his 3rd transfer within a year and 3 months. The order has been passed on 20.1.2016 by the Joint Secretary/Services-I, PSPCL, Patiala.

2. If the petitioner has a grievance against the transfer, he is at liberty to make a representation to the officer explaining his circumstances and the policy of transfers that he should be retained at the present place of posting.

3. Such a direction would be in line with the decision of the

Supreme Court in Shilpi Bose (Mrs.) v. State of Bihar; AIR 1991 SC 532

advising the High Courts not to entertain transfer and posting matters directly without first calling upon the petitioners to seek their administrative remedies in the first instance.

4. Accordingly, the present petition is disposed of with a direction to the competent authority to decide upon the grievance/representation of the petitioner by treating this petition as a representation within a period of 15 days from the date of submission of the representation. The competent authority in making its decision would apply the law in **Union of India and others v. S.L.Abbas**; 1995 (4) SCT 455 where the Supreme Court has categorically observed that the competent authority while issuing orders of transfer shall keep in mind the transfer guidelines/policy framed by the State itself even though scope of interference is limited.

5. Nevertheless, the petitioner will not be relieved of his duties in Ludhiana in the meantime and after the representation is decided, the stay would continue one week thereafter in case its is adverse to him, in order to enable him to approach this Court for plenary judicial review, if the petitioner still remains satisfied.

6. A copy of this order be given attested by the Bench Secretary of this Court.

(RAJIV NARAIN RAINA)
JUDGE

January 29, 2015

Paritosh Kumar