

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

CWP No.18967 of 2016

Date of decision:19.10.2016

Vijay Kumar

... Petitioner

Versus

State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vikas Lochab, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

No ground for interference is made out in exercise of extraordinary writ jurisdiction of this Court provided by Article 226 of the Constitution of India in absence of injustice caused to the petitioner and also for the reason that there are no allegations of malafides or bias alleged against any of the authorities involved in the transfer. The petitioner has come to Court complaining that he is a patient of a chronic disease and his mother is also old and ill. The nature of the disease has not been spelled out and how it restricts normal life as a public servant. The certificate attached to this petition do not reveal any special feature which might ignite the jurisdiction to interfere with administrative action.

However, since the petitioner has made a representation of his grievance and feels aggrieved then he may pursue his administrative remedy before the transferring authority who would examine the medical certificates in relation to work performed by the petitioner and after evaluating the appropriate factors, take a fair and just decision on whether the petitioner needs to be retained on the present place of posting

or to be returned back from where he came. Towards this end, the competent authority would take a comprehensive decision within a few days but no more than a week and inform the petitioner of the fate of his representation. In case the petitioner desires an oral hearing, the same can be given on the official telephone without involving any movement. Any documents the petitioner wishes to rely on can be sent by courier to the department for its consideration.

With these observations and directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

19.10.2016
monika

Whether speaking/reasoned

Yes

Whether Reportable:

No