

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19780 of 2016 (O&M)

Date of decision: 22.09.2016

Anil Kumar

.....Petitioner

versus

State of Haryana and Others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Lajpat Sharma, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner, who was working at District Jail Bhiwani since 22.10.2012, has been transferred to Central Jail, Ambala, vide impugned transfer order dated 2.9.2016 (Annexure P2). Petitioner claims that his wife namely, Promila, is working as P.T.I. Teacher in Government Girls High School, Hetampura, District Bhiwani. He has made the representations Annexure-P-4 & P-5 for cancelling his transfer, being a couple case.

Learned counsel for the petitioner contends that as per Policy (Annexure P1) of the State, in case of couple employees, the effort is to be made to keep them at one station.

I am of the view that as per policy (Annexure P-1), State is only required to make 'efforts' to keep the couple at one Station. However, it does not give any right to an employee that he must be retained at a particular Station. If the State decide that the couple is to be kept at one or nearby Station, it is always the discretion of the State as to at which Station/Stations

the couple is to be kept. The transfer is the prerogative of the State/concerned Department. The petitioner has already stayed at Bhiwani Station for about four years. Therefore, this Court does not intend to interfere in the impugned transfer orders. There is no ground to set aside the transfer order. However, the State is directed to consider the representations Annexure P-4 and P-5 in terms of the Policy of Annexure P-1 and pass an appropriate order within 15 days from the date of the receipt of the copy of the order, as it deem fit in the circumstances of the case.

The petition is disposed of accordingly.

22.09.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No