

C.W.P No. 25208 of 2016 (O&M)

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 25208 of 2016 (O&M)

DATE OF DECISION:14.12.2016

Harminder Singh Saini

.....Petitioner

Versus

State of Punjab and another

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Sushil Saini, Advocate
for the petitioner.

DAYA CHAUDHARY, J.

C.M. No. 15724 of 2016

This application has been filed for placing on record Annexures P-1 and P-2.

Application is allowed and Annexures P-1 and P-2 are taken on record.

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The petitioner retired from service on 30.9.2015 from the post of Sub Divisional Officer on attaining the age of superannuation. Thereafter he was given extension from 1.10.2015 to 30.9.2016 and again for one year from 1.10.2016 to 30.9.2017. During period of extension, the petitioner has been transferred vide order dated 18/24.11.2016, which is subject matter of challenge in the present petition.

Learned counsel for the petitioner contends that as per policy of the transfer, the petitioner cannot be transferred before the date of retirement.

How the policy of the transfer is applicable in case of extension, has not been addressed by learned counsel for the petitioner. Extension is a concession given by the respondent-employer and it is nowhere mentioned in the terms and conditions of the extension that the petitioner cannot be transferred during period of extension. The argument of learned counsel for the petitioner that the petitioner is going to retire within a period of one year and he cannot be transferred before retirement is not sufficient ground to interfere in the matter.

At this stage, learned counsel for the petitioner contends that the petitioner would be satisfied in case directions are issued to the respondents to decide the pending representation as no action has been taken thereupon so far.

Keeping in view the limited prayer, the present petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 30.11.2016 (Annexure P-4) within a period of two weeks from the date of receipt of copy of the order.

Petition stands disposed of accordingly.

December 14, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No