

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

**CM No.16386-CWP of 2016 in
CWP No.25582 of 2016
Date of decision: 22.12.2016**

Shri Ram Anand

..Applicant-Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Dr. Dayal Partap Singh Randhawa, Advocate
for the applicant-petitioner.

Daya Chaudhary, J. (Oral)

CM No.16386-CWP of 2016

This application has been filed for preponing of the date in the main case being transfer matter.

Application is allowed as per grounds mentioned therein and the main case is preponed for today.

CWP No.25582 of 2016

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned transfer order dated 02.12.2016 (Annexure P-8), passed by respondent No.2 whereby the petitioner has been transferred from Kapurthala to Gurdaspur fifth time during the period of two years.

Learned counsel for the petitioner submits that the petitioner has been transferred without having any administrative exigency and without having any reasonable ground and as such, his transfer is contrary

to the policy.

Heard arguments of learned counsel for the petitioner and have also perused the impugned order of transfer as well as the policy, which is on record.

Admittedly, the petitioner retired from service on 31.12.2015 on attaining the age of superannuation i.e., 58 years. Thereafter, he was re-employed and his period of service was extended from 58 years to 59 years. During the period of extension, the petitioner has been transferred but nowhere it has been mentioned in the policy that the petitioner cannot be transferred during the period of extension. The extension cannot be claimed as a matter of right as the period of service has been extended firstly for one year i.e., 58 years to 59 years and thereafter, it is extended from 59 years to 60 years. Transfer order is not contrary to the terms and conditions of the policy as neither any *malafide* has been alleged nor any other ground is made out in the arguments raised by learned counsel for the petitioner that the transfer is contrary to the policy.

There is no merit in the arguments raised by learned counsel for the petitioner and the present petition being devoid of any merit is dismissed.

22.12.2016
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No