

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

**CWP No. 4076 of 2014 (O&M)
Date of Decision : 11.07.2016**

On Kunwar

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

- 1) *Whether Reporters of the local papers 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?*

Present: Mr. Rajeev Anand, Advocate for the petitioner.

Mr. Vivek Singla, Senior Panel Counsel
for the respondents-UOI.

P.B. Bajanthri, J.(Oral)

CM No. 4829-CWP of 2016

This is an application for preponement of the date of hearing.

In view of the averments made in the application, which is duly supported by an affidavit, the application is allowed.

Main case is taken up today itself for hearing.

Main Case

In the instant writ petition, the petitioner has questioned the order dated 12.02.2014 (Annexure P-9) vide which he has been transferred from Group Centre, CRPF, Sonapat (Haryana) to 137 CRPF Udampur in Jammu province.

The petitioner is stated to have joined at GC Sonapat (Haryana) in the cadre of Bugler on 15.01.2012. As per the transfer policy of the respondents, Constable (Bugler) is entitled to four years' retention in a place. It was contended before this Court that before completion of four years of service, he has been transferred to 137 CRPF Udhampur and it was further contended that due to his ill-health and taking treatment and other domestic issues, he is before this court. On 05.03.2014 this Court while issued notice of motion order, stayed the transfer order. By virtue of interim dated 05.03.2014, the petitioner is continued at GC Sonapat. Learned counsel for the petitioner vehemently contended that the petitioner is suffering from Coronary Artery Disease, therefore, he is entitled to light duty and non-hard post.

On the other hand, learned counsel for the respondents submitted that transfer of the petitioner was in the public interest and is an incidence of service in CRPF. Even medical status of the petitioner was taken note of while passing the order of transfer. Therefore, petitioner has not made out a case so as to interfere with the order of transfer.

At this juncture, learned counsel for the petitioner submitted that petitioner is prepared to go anywhere in India provided his health condition is taken into consideration by the respondents. Health condition is taken note of before passing of the transfer order. Even it is stated that petitioner can avail medical facilities, where now he has been posted. Learned counsel for the petitioner requested that the petitioner be allowed to join in the transfer post after three months from today. The same is taken note of.

In view of the above, transfer order dated 12.02.2014 be given effect from 01.11.2016. The petitioner is directed to report at the transfer place and post on 01.11.2016.

Petition stands disposed of in the above terms.

July 11, 2016.
kanchan

(P.B. BAJANTHRI)
JUDGE