

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

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**CWP-7495-2016 (O&M)
Date of decision: 02.06.2016**

Jagmohan Sharma

....Petitioner

Versus

National Insurance Company Ltd. and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Virender Kumar, Advocate for the petitioner.

Mr. S.S.Sidhu, Advocate for respondent No.2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has questioned order dated 06.02.2015 (Annexure P1) and communication dated 01.03.2016 (Annexure P-6).

The petitioner while working as Deputy Manager in Chandigarh in the year 2014, had requested for transfer either to Karnal or Panipat. Pursuant to his request he was transferred from Chandigarh to Karnal on 12.09.2014. The petitioner was not happy with the posting to

Karnal therefore, through Officers' Association, he requested for modification of transfer order from Karnal to Panipat. On 06.02.2015, petitioner's request was considered and he was posted to Panipat.

In view of these facts and circumstances, the petitioner requested for transfer benefits to the respondent. The same has been denied vide impugned orders. Aggrieved by the decision of the respondents, in not granting transfer benefits, the present petition has been presented.

Learned counsel for the petitioner submitted that he is entitled for transfer benefits under the transfer policy viz., Transfer and Mobility Policy for Class I Officers Clause H(i), is reproduced herein:-

H Transfer Benefits:

(i) An Officer transferred from one station to another is entitled to transfer benefits as may be allowed from time to time as per guidelines issued by the Company. For local transfers within the City, no transfer benefit is allowed. In the case of request transfers, if considered before completion of 3 years, no transfer benefits shall be allowed.”

It was submitted that in view of the above provision petitioner is entitled to transfer benefits since he was transferred to Panipat from Chandigarh, after completion of more than 3 years of service in Chandigarh and transfer from Chandigarh to Karnal was not given effect.

On the other hand, learned counsel for the respondents submitted that the petitioner has not completed 3 years of service so as to

claim benefit under Clause 'H(i)' of the Transfer and Mobility Policy for Class I Officers for the reasons that when he was working at Chandigarh, he was transferred to Karnal on 12.09.2014. Thereafter, his transfer was reconsidered on 06.02.2015. Date of transfer to Karnal is taken into consideration thus he has been denied transfer benefits.

Facts and circumstances reveals that transfer order dated 12.09.2014 from Chandigarh to Karnal has not been given effect therefore, contention of the respondents that the petitioner has not completed 3 years of service from 12-09-2014 to 06.02.2015, is not acceptable with reference to Transfer and Mobility Policy under Clause H(i). The petitioner has completed more than 3 years of service at Chandigarh and further posting to Panipat on 06.02.2015. It was noticed that till 06.02.2015 petitioner was working at Chandigarh only. Thus, order dated 06.02.2015 (Annexure P1) and communication dated 01.03.2016 (Annexure P-6) are set aside. Respondents are directed to release the transfer benefits under Clause H(i) of Transfer and Mobility Policy for Class-I Officers within a period of 3 months from today.

CWP is allowed.

02.06.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**