

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

CWP No.989 of 2016

Date of Decision:19.01.2016

Gurmej Singh

... Petitioner

Versus

Punjab State Power Corporation Limited & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sameer Sachdeva, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Challenge in this petition is to a transfer order dated January 5, 2016 passed six months short of retirement transferring the petitioner from Faridkot and posting him to Fazilka. Learned counsel makes statement at the bar that the petitioner has not been relieved from his duties as Sub Station Attendant till this morning. However, before approaching this Court, the petitioner has not availed his remedy before the competent authority to hear grievances of employees in the matter of posting and transfer from one station to another. This step, before approaching this Court has been commended by the Supreme Court in **Shilpi Bose (Mrs.) v. State of Bihar**; AIR 1991 SC 532 to be resorted to in the first instance.

2. In view of the law in *Shilpi Bose*, the petitioner is relegated in the first instance to his administrative remedy before the transferring authority or any superior authority in the respondents to hear the grudge

of the petitioner. In case the grievance of the petitioner is genuine it may be considered in a sympathetic manner in accordance with the policy on transfers and then to pass an appropriate order of redressal, if warranted on facts. It may be noted that the transfer of the petitioner has been a swap transfer between him and the 4th respondent. It is stated that the 4th respondent has not joined at the place of posting. The 4th respondent has a much longer to serve before he retires.

3. Keeping in view the fact that the petitioner has not been relieved as believed on the statement made on his behalf a direction is issued that till such time, the representation is decided, neither the petitioner will be relieved of his duties at Faridkot nor would the 4th respondent be handed over charge till such time the competent authority examines the grievance and takes a final decision. In making a final order, it will also be necessary to hear the 4th respondent on his point of view since he is likely to be affected by any order passed, if necessitated. In making this order it is not necessary to hear the Corporation or the private respondents which expresses no opinion on the merits of the case and only applies the law in *Shilpi Bose's case (supra)*.

4. In view of above, a direction is issued to the respondent-Corporation to treat this petition as a representation and upon hearing the petitioner and the 4th respondent, pass an order, which is just and fair in the circumstances and the exigencies of administration and public interest. The decision-maker may record briefly his reasons for arriving at the decision, whether to retain the petitioner at his present place of posting or transfer him. Till the matter is not decided, status quo will be

maintained as on today.

5. With the above directions, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

19.1.2016
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