

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-2032-2016 (O&M)
Date of Decision: October 17, 2016

Sham Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. | To be referred to the Reporters or not? | Yes/No |
| 5. | Whether the judgment should be reported in the Digest? | Yes/No. |

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Present: Ms.Loveleen Dhaliwal, Advocate
for the appellant.

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SURYA KANT, J.

The appellant is a Kanungo and is due for retirement on 31.01.2017. The Collector, Jind, vide order dated 30.08.2016 issued on 01.09.2016 has transferred him from Safidon to Uchana. The Patwari posted alongwith the appellant has also been transferred.

The appellant felt aggrieved, as according to him the genesis of the transfer lies in his refusal to enter mutation in respect of a sale-deed which he declined to mutate in view of status quo order passed by Civil Court. The above-stated plea was taken by him before the learned Single Judge while questioning his transfer. His other plea was that in view of transfer policy of the State, he could not be posted out from Safidon when he is hardly left with a few months of service.

These grounds did not find favour with the learned Single Judge,

who has viewed that transfer being an incidence of service, does not call for any interference by this Court.

We have heard learned counsel for the appellant at a considerable length and are of the view that transfer policy merely lays down guidelines which are non-justiciable. The interference by a writ Court in transfer matters would be in exceptional cases only. If the appellant has been caused any hardship or inconvenience while he is at the verge of retirement, the appropriate recourse for him would be to represent the higher authorities, who shall surely consider such representation sympathetically and take an appropriate decision keeping the 'public' and 'administrative' interests in view. It shall be appreciated if the petitioner's representation is decided by the learned Financial Commissioner (Revenue) within two weeks from the date it is submitted.

With the above observations, the appeal is dismissed.

(SURYA KANT)
JUDGE

October 17, 2016
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(SUDIP AHLUWALIA)
JUDGE