

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

**Civil Writ Petition No.10464 of 2016
Decided on : 11.09.2017**

Bijender Singh Dangi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Manjeet Singh, Advocate for
Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the transfer order dated 18.05.2016 (Annexure P-4) passed by respondent No.2 on the ground that the transfer order is in total violation of the Government Transfer Policy dated 06.10.2004 (Annexure P-3).

Vide the said transfer order, the petitioner was transferred as Assistant in the office of Deputy Commissioner, Panipat against a vacant post. It is the case of the petitioner that being a couple case and the petitioner's wife is also working at Rohtak and he has been transferred to a far away place at Panipat and had only been posted in the Flood Relief Branch on 20.06.2015 at Rohtak.

Interim protection was granted to the petitioner on 25.05.2016.

The State in its reply has clarified that the petitioner was appointed as a Clerk on 08.03.1990 and promoted as Assistant on 14.07.2009 and as such is still working in the same office and posted at one station for the last 26 years. The plea taken that he was posted in Flood Relief Branch on 20.06.2015 and again had been transferred

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within a period of one year was wrong and he was not transferred from one station to another rather it was an internal adjustment in the office of Deputy Commissioner, Rohtak. It is clarified that after his posting as Assistant on 14.07.2009 he had stayed there for a period of 7 years and for a period of 26 years of his appointment as Clerk at Rohtak.

Therefore, he had been sent to Panipat on administrative grounds, since the post of Assistant is a Divisional Cadre Post and there are five districts i.e. Rohtak, Jhajjar, Sonipat, Panipat and Karnal in Rohtak Division and as such an Assistant can be transferred in any of said districts in the division. The allegation that any representation had been made was also denied which was also noticed while granting stay.

In such circumstances, the petitioner has already enjoyed the stay order for a period of over a year. It is settled principle that transfer order is not interfered with unless the same is malafide or arbitrary. The petitioner has been transferred to a station which is only 70 Kms away from his earlier posting and has stayed at Rohtak since 7 years after his promotion as Assistant.

Accordingly, there is no merit in the present writ petition and same is dismissed.

SEPTEMBER 11, 2017

Naveen

Whether speaking/reasoned:

Whether Reportable:

**(G.S. SANDHAWALIA)
JUDGE**

Yes/No

Yes/No