

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

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**CWP-12353-2016 (O&M)
Date of decision: 24.04.2017**

Ramesh Kumar

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr. Manoj Chajal, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

Petitioner is a Driver under respondent No.3-Haryana Roadways, Rohtak. He has questioned the validity of Transfer order dated 25.05.2016 by which he has been transferred from Rohtak to Faridabad. In the remarks column it is stated that against longer stayee whereas the petitioner while working at Jhajjar he has been transferred on 09.03.2016 (Annexure P1) within a period of 2 months and few days. Once again he has been displaced from Rohtak and he has been posted to Faridabad. No reasons have been assigned. Learned counsel for the respondents submitted that under transfer policy -Class III and IV Government employees of the State of Haryana in the year 2004 and 2005 (Annexure P5) relying on Clause (ii) which reads as under:-

“(ii) The above criterion need not be followed in case of transfers on a mutual request by two or more employees, in case there is no administrative inconvenience and or is not against.”

Order of transfer is effected. It was submitted that transfer of the petitioner from Jhajjar to Rohtak was on mutual basis. If an employee is transferred on mutual basis, he is not entitled to continue by virtue of mutual transfer and during the general transfer he is liable for transfer. Therefore, Annexure P3 is in accordance with the transfer policy.

The petitioner is working at Faridabad since March, 2016 and he has been displaced on 25.05.2016 within a period of 2 months and few days. Thus there is no administrative reasons. On the other hand, remarks column speaks that against longer stayee. Thus, it is a total non-application of mind in transferring the petitioner from Rohtak to Faridabad. Accordingly, Annexure P3 dated 25.05.2016 is set aside insofar as petitioner's transfer from Rohtak to Faridabad.

CWP stands allowed.

24.04.2017
pooja saini

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No