

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

**Civil Writ Petition No.14384 of 2017
Decided on : 06.07.2017**

Tripta Devi

... Petitioner

Versus

Director General, Health Services, Haryana

... Respondent

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

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

G.S. Sandhawalia, J. (Oral)

The petitioner who is working as Multi Purpose Health Supervisor (Female) has been transferred from PHC, Malekan, Sirsa to Civil Hospital, Bhiwani, vide the impugned order dated 15.05.2017 (Annexure P-1), which is the subject matter of challenge.

The ground set up by the petitioner is that she is to retire on 31.05.2018 and is a handicapped employee. Reliance is placed upon the Handicapped Medical Certificate dated 23.01.2002 (Annexure P-3) to show the extent of said disability.

Counsel for the petitioner, accordingly, contends that as per the transfer policy dated 06.10.2004 (Annexure P-5) as such in normal circumstances, an employee is not to be transferred during the last year of the service except in compelling circumstances. The petitioner in view of her disability would be further prejudiced, since she has been transferred at a distance of 150 Kms. from the present place of posting. It is further contended that the petitioner was on earned leave and has not been relieved.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondent. Copy of the paper-book has been supplied.

It is not disputed that a representation dated 08.06.2017 (Annexure P-2) has already been moved with the respondent.

Keeping in view the above, this Court is of the opinion that transfer normally is done usually for the smooth running of the administration and it is for the respondent to see as to how the petitioner can be adjusted and in the absence of malafides the Courts normally do not interfere.

Accordingly, the present writ petition is disposed of with the direction to the respondent to look into the representation dated 08.06.2017 (Annexure P-2) and take a decision on the same within a period of two weeks from the receipt of the certified copy of this order. The petitioner shall, however, continue to stay at Sirsa till the decision of the said representation.

Disposed of.

JULY 06, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No