

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

239

CWP No.154 of 2017 (O&M)

Date of decision: 24.10.2017

Surender Singh

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Harkesh Manuja, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Mr. O.P. Goyal, Sr. Advocate with
Mr. J.S. Mor, Advocate for respondent No. 4.

AMOL RATTAN SINGH, J.(ORAL)

The petitioner has challenged the impugned order Annexure P-1 dated 29.12.2016, by which he has been posted from Indri to Kharkhoda vice respondent No. 4, showing that it was “on request”.

Learned counsel for the petitioner submits that the petitioner never made any request for a transfer from Kharkhoda to Indri.

Mr. Pandit, learned counsel for the respondent State, on query submits that the petitioner has been at Kharkhoda since 1996 i.e. for about 20 years on the date of the transfer and respondent No. 4 was at Kharkhoda for 11 years between 1996 to 2007, after which he was posted elsewhere and then posted back to Kharkhoda, from where he was posted to Indri in the year 2013. Thus as regards respondent No. 4 he has been out of Kharkhoda for more than 3 years as on the date of the transfer vide the impugned order.

Seeing the aforesaid circumstances, the petitioner having been continuously been in Kharkhoda for 21 years now, with respondent No. 4 having been there for 11 years but not in the past 4 years, this petition is dismissed.

Interim order is vacated.

The question of the petitioner not having put in a request for transfer does not arise in the aforesaid circumstances, he having remained at Kharkhoda for the past 21 years.

October 24, 2017

Poonam (II)

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No