

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

105

CWP No.15605 of 2017

Date of decision: 27.07.2017

Niyamat Ali

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Rajnish K.Gupta, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner challenges the transfer order dated 15.05.2017 (Annexure P-1), vide which he has been transferred from Public Health Engineering Sub-Division No.2, Nuh to PHED, Fatehabad. It is the case of the petitioner that he is a Patrolman and being a Class-IV employee, it would be difficult for him to survive and the transfer is against the Government instructions. He further submits that the distance between the two stations is 250 kms where his family is stationed. A perusal of the transfer order also does not show as to what was the administrative exigency, as such, which led to the passing of the transfer order, out of the circle.

Notice of motion.

Ms.Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to her.

A perusal of the paperbook would go on to show that the petitioner has already made a representation on 12.06.2017 to respondent No.2 (Annexure P-4), for cancellation of his transfer in which he has also highlighted his problems which include a medical problem and the fact that he has to maintain a large family and the fact that he has been transferred out of his circle and the lack of administrative exigency or public interest and that there is no complaint against him. It has further been pointed out that the petitioner has already joined at his place of transfer.

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Without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to respondent No.2 to take a decision on the representation dated 12.06.2017 (Annexure P-4), within a period of 2 weeks from the receipt of a certified copy of the order, sympathetically.

In case the request of the petitioner for being kept in his circle is to be declined, the order shall mention the reasons, as such, both for the transfer and the reasons why the petitioner is required to serve out of his circle and in what similar circumstances other similarly situated persons have also been transferred.

27.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*