

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.16209 of 2017 (O&M)
Date of Decision: 26.07.2017

Major Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who is serving as Panchayat Secretary under the Rural Development and Panchayat Department, State of Punjab, has filed the instant petition impugning the order dated 30.6.2017 (Annexure P-9) to the extent of his transfer from Dera Baba Nanak (Gurdaspur) to Ghanaur (Patiala).

Counsel for the petitioner would submit that petitioner is handicapped and is suffering from a permanent disability element assessed at 65% as his left leg is amputated below the knee.

Reliance is placed upon memo dated 11.4.2017 (Annexure P-8), issued by the State Govt., Department of Personnel on the subject of guidelines for the postings and transfers of Govt. employees for the year 2017-2018 and in which under clause 2(c) a special consideration has been afforded to the handicapped and blind employees while issuing postings and transfers with the objective to mitigate their inconvenience.

Counsel has also adverted to the documents/orders passed by this Court at Annexures P-2 to P-7 to contend that even earlier in point of time, petitioner had approached this Court against his transfer and such

transfers had been cancelled on account of intervention by this Court.

Counsel has very fairly stated that in pursuance to the impugned order petitioner has already joined his place of posting at Ghanaur at district Patiala but he seeks liberty for withdrawal of the petition so as to enable the petitioner to approach the appropriate/competent authority with regard to his grievance of transfer at a distance of more than 250 kms and being against the transfer policy and guidelines formulated by the State Govt.

I find the prayer made by the counsel to be fair and reasonable. The Hon'ble Apex Court in *Union of India and others Vs. S.L. Abbas, 1995(4) S.C.T, 455* had observed that the competent authority while issuing orders of transfer shall keep in mind the transfer guidelines/policy framed by the State.

Accordingly, the present petition is disposed of in terms of granting liberty to the petitioner to approach the respondent authorities in terms of filing a representation against his transfer directed vide order dated 30.6.2017. In the eventuality of any such representation being filed, the same shall be decided strictly in accordance with law and in the light of the transfer guidelines/instructions, within a period of 10 days from the date of submission of the representation.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.07.2017
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No