

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-16359-2017 (O&M)

Date of Decision:-10.10.2017.

Ram Vilas Singh

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Mr. Chander Mohan Sharma, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

With the consent of counsel for the parties, main matter is taken up for hearing today itself.

Petitioner has challenged the validity of transfer and relieving order dated 12.07.2017 (Annexure P-10).

Petitioner is working in Chandigarh since 14.8.2014. He has now been transferred to 128 RCC/HQ23BRTE/ARUNANK. One of the contention of the petitioner is that he is due for retirement in the month of January, 2021. Policy decision of the respondent-Department is that an employee or officer who is due for retirement, he be accommodated according to his choice of place. It was further submitted that the present post held by the petitioner would fall under the category of Soft Area (SA).

3 ½ years. Therefore, transferring him from Chandigarh is contrary to the policy. Hence, the order of transfer and relieving order are liable to be set aside.

Per contra learned counsel for the respondents submitted that post held by the petitioner would fall under Most Attractive Station (MAS). Minimum tenure under the policy at a station under (MAS) is 2 ½ years to 3 years. Petitioner has completed 2 years and 8 months at Chandigarh. Therefore, there is no violation of guidelines or instructions.

By virtue of interim order, petitioner is continuing at the present station from 4.8.2017. The petitioner has not furnished representation pointing out that there is a violation of guidelines/instructions to the extent that petitioner has not completed 3 ½ years in a Soft Area. Further he is due for retirement in the month of January, 2021. Therefore, he is entitled to continue in the present post and place. In this regard, the petitioner is permitted to make necessary application or representation to the competent authority within a period one week from today. The concerned respondent/competent authority is hereby directed to pass a speaking order whether order of transfer and relieving is in accordance with the instructions to the extent whether the post held by the petitioner falls under Soft Area (SA) or Most Attractive Station (MAS). Further to consider having regard to the fact that the petitioner is due for retirement in the month of January, 2021, whether the petitioner could be continued at Chandigarh or not in view of the guidelines/instructions. Such a decision shall be taken by the competent authority within a period of 3 weeks from the receipt of petitioner's application/representation. If decision

accommodated nearby Chandigarh. If decision is against him in that event order shall be given effect by allowing reasonable joining period.

With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

October 10, 2017.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.