

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

115

CWP No.16938 of 2017 (O&M)

Date of Decision: August 01, 2017

Amrit Pal Garg

....Petitioner

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vishal Sharma, Advocate for
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner, who is serving as a Sub Divisional Officer under the Department of Rural Development and Panchayat, State of Punjab, is aggrieved of his transfer from Barnala to Head Quarter, S.A.S. Nagar, Mohali in the light of order dated 10.07.2017 (Annexure P-3).

Counsel representing the petitioner at the very outset, very fairly states that even though the petitioner has not joined at Head Quarter, S.A.S. Nagar, Mohali, but one Mr. Sudhir Sharma, SDO, had joined at Barnala. The ground raised for assailing the transfer of the petitioner is that the same is an utter violation of the transfer policy and guidelines issued by the State Government vide memo dated 11.04.2017 at Annexure P-4. Reliance is placed upon Clause 2(e) and Clause 3 of the policy. It is submitted that the

petitioner's tenure at Barnala was only for a period of one year whereas under the policy, a normal tenure at a particular place of posting is stipulated as three years. That apart under Clause 3 of the policy, transfer is ordinarily not to be directed within a period of two years from the date of retirement of an employee.

It is contended that the petitioner is due to retire on 31.12.2017 and as such, a transfer on the verge of superannuation could not have been directed.

Counsel for the petitioner has been heard at length.

Even though, terms and conditions contained in a transfer policy do not vest any enforceable right in an employee, yet the State Government/Competent Authority while directing transfers, would certainly be obligated to keep in mind the transfer policy formulated by the State Government itself while issuing orders of transfer.

Under such circumstances and without going into the merits of the case, the instant petition is disposed of in terms of granting liberty to the petitioner to approach the respondent-authorities as regards his grievance against his transfer from Barnala to Head Quarter, S.A.S. Nagar, Mohali. In the eventuality of any such representation being preferred within a period of two days from today, respondent No.1 would be obligated to examine the same and to take a final decision thereupon in accordance with law and against the backdrop of the transfer policy dated

11.04.2017 (Annexure P-4) within a period of one week thereafter.

Petition disposed of.

Status quo as regards place of posting of the petitioner
as it exists today, shall be maintained for a period of ten days.

(TEJINDER SINGH DHINDSA)
JUDGE

01.08.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**