

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

**CWP-17372-2017 (O&M)
Date of decision:31.10.2017**

Buta Ram	Vs.	... Petitioner
State of Punjab & others		... Respondents

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

Present: Mr. Vivek Aggarwal, Advocate for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner has filed the instant petition assailing the order dated 10.07.2017 (Annexure P-9), whereby he has been transferred from the post of Reader to Naib Tehsildar, Jandiala Guru to the post of Clerk attached with the Special Land Acquisition Collector-cum-Sub Divisional Magistrate, Amritsar-II, Amritsar.

The entire case set up on behalf of the petitioner was that he was attaining the age of superannuation on 31.07.2017 and as such, on the verge of retirement, he could not be transferred. Violation of the transfer Policy issued by the State Government dated 11.04.2017 was alleged.

After issuing notice of motion, a joint reply on behalf of respondents No.1 and 2 has been filed and placed on record.

Counsel for the parties have been heard.

The uncontroverted position of fact is that by virtue of the impugned transfer order, the petitioner has been re-located to a place of posting which is approximately 4 kilometers away from his original place of posting i.e. as Reader to Naib Tehsildar, Jandiala Guru.

Be that as it may, in the written statement, a preliminary submission with regard to maintainability of the writ petition has been taken by stating that the petitioner has not exhausted his alternate remedy of having approached the Commissioner of Division Jalandhar as regards his grievance against the transfer.

Even in the considered view of this Court, in matters of transfer, it is for the employer to take a final call. Orders of transfer are open to challenge only if the same have been passed in violation of some statutory provision, or by an authority not competent to direct transfer or are vitiated by malafides. None of these parameters of challenge have been made out in this instant petition.

Accordingly, while declining to interfere in the impugned transfer order, liberty is granted to the petitioner to approach the respondent authorities/competent authority as regards his grievance against his transfer from Jandiala Guru to Amritsar.

Suffice it to observe that in the eventuality of any representation being preferred, the respondent authorities/competent authority would be obligated to examine the same.

Since the impugned transfer order dated 10.07.2017 was passed on the verge of retirement of the petitioner, it is made clear that such order of transfer would not work to the detriment of the petitioner insofar as processing of his pension papers/file is concerned.

Disposed of.

31.10.2017

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

(i) Whether speaking/reasoned?

Yes

(ii) Whether Reportable?

No