

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

Civil Writ Petition No.17787 of 2017

Date of decision: 10.08.2017

Arvind Kumar and others

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Ms. Sharmila Sharma, Advocate for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners seek quashing of transfer orders dated 20.7.2017, 3.8.2017 and 21.7.2017 (Annexures P/5 to P/9) whereby they have been ordered to be transferred from their present place of posting to their earlier stations.

Counsel for the petitioners submits that the transfer orders (Annexures P/1 to P/4) had been passed on the request of the petitioners and now by virtue of impugned orders Annexures P/5 to P/9 their requests have been negated and they have been transferred back to their earlier stations. An example is given of petitioner no.3-Sunil Dutt who was transferred from Rewari to Jhajjar vide order dated 23.5.2017 (Annexure P/3) and his transfer has been cancelled vide order dated 3.8.2017 (Annexure P/7). A perusal of the same would reveal that it is on account of the fact that one Devender Kumar had approached this Court on the ground that he was being moved out from Jhajjar on the ground of 'Longer Stayee' and interim order staying his transfer was passed on 28.7.2017 in Civil Writ Petition no.16495 of 2017. Resultantly, petitioner no.3 Sunil Dutt was relieved and

asked to join back at Rewari. The said orders thus are passed on the basis of the interim orders passed by this Court and in compliance and deference to the said orders and thus, the respondents-General Managers, Haryana Roadways, Jhajjar and Rohtak were justified as such in cancelling the transfer orders of the petitioners. It is a matter of record that a bunch of cases have been disposed of yesterday i.e. on 9.8.2017 (Lead case No. Civil Writ Petition No.13654 of 2017-Rajesh Kumar Vs. State of Haryana and others) where the State has given an undertaking that it will cancel all such transfer orders where on account of the fact that employees have been transferred prior to two years period as per policy dated 6.10.2014.

Accordingly, the present writ petition is dismissed. However, it is made clear that it is always open to the petitioners to represent for transfer on the grounds which are admissible to them as per the policy of the State as long it does not displace other persons unnecessarily and in violation of the policy which was being done by the Department earlier.

August 10, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No