

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 18087 of 2017
Date of decision: 17.08.2017

Surender Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Shalender Mohan, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Counsel contends that the petitioner was transferred to Hisar on 21.09.2016 and within a period of one year has been transferred to Ambala vide order dated 22.06.2017 (Annexure P-1) and now is deputed at Naraingarh vide order dated 11.07.2017 (Annexure P-2). Accordingly, reliance is placed upon the observations made in ***CWP No. 13654 of 2017, Rajesh Kumar vs. State of Haryana and others***, decided on 09.08.2017 to submit that if transfers have been made before a period of two years, the State would not implement its transfer orders. The relevant observations reads thus:-

“Today, communication dated 09.08.2017 from the Director, State Transport Haryana, Chandigarh has been placed on record, wherein it has been mentioned that on re-consideration the impugned orders in the 75 cases have been cancelled qua the petitioners and the writ petitions have become infructuous. It has further been mentioned that the State has directed all General Manager for relieving/joining the petitioners on stay/cancellation of

orders.

Keeping in view the above, the present writ petitions are accordingly disposed of as having been rendered infructuous. However, the State shall not implement the transfer orders wherever the petitioners have been transferred before a period of two years in the peculiar facts and circumstances, as it has been found that there are no justiciable grounds as such, for such mass scale transfers.

The writ petitions are accordingly disposed of with the abovesaid terms and conditions, in view the communication of the State itself.”

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice. Copy of the writ petition has been supplied to her.

Keeping in view the above facts, the present writ petition is disposed of with direction to respondent no. 2 to take a decision regarding the case of the petitioner within a period of 2 weeks from the date of receipt of certified copy of the order as to how the petitioner's case is to be considered in view of the undertaking given on an earlier occasion in a bunch of cases.

17.08.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No