

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-18159-2017

Date of Decision: 17.08.2017

Jai Singh

...Petitioner

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURMEET SINGH SANDHAWALIA.

Present: Mr. Baljeet Beniwal, Advocate for the petitioner.

GURMEET SINGH SANDHAWALIA, J. (Oral).

The petitioner, who is a conductor, challenges the transfer/relieving order dated 31.07.2017 (Annexure P-3) from Haryana Roadways, Bhiwani to Haryana Roadways, ISBT Delhi on account of being longest stayee. It is his case that he had been appointed on 09.04.2012 and had been posted at Bhiwani only on 09.08.2016 (Annexure P-1) and within a period of one year, has been transferred out.

Counsel for the petitioner places reliance upon directions issued in ***CWP No. 13654 of 2017*** titled as ***Rajesh Kumar V/s. State of Haryana and others***, decided on 09.08.2017 to submit that Director, State Transport Haryana, Chandigarh is bound to comply with the same and not to implement the transfer orders wherever the employees have been transferred within a period of two years. Observations read as under:-

“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.”

He further submits that a representation dated 01.08.2017 (Annexure P-5) has also been filed with respondent No. 3 regarding the fact that he had joined Sub Depot Tosham, Bhiwani on 09.08.2016 and completed only one year of service here.

Notice of motion.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana accepts notice on behalf of all the respondents. Copy of the paper-book has been supplied to him.

Keeping in view the above, direction is issued to respondent No. 2 to comply with his undertaking which is given in ***Rajesh Kumar's case (supra)*** and decide the representation within a period of 10 days from the date of receipt of certified copy of the order.

Writ petition is disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

17.08.2017

Divyanshi

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