

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20012 of 2017

Date of Decision: 05.09.2017

Suresh Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner seeks cancellation of the impugned transfer order, Annexure P-2, on the ground that it has been issued within three months of his earlier transfer order dated 01.06.2017, by which he was transferred from Nuh to Bhiwani, from where he has now been transferred back to Nuh (District Mewat).

As per the impugned transfer order, the petitioner is being transferred back to Nuh on account of the fact that one Amit Kumar, Conductor No. 17, had been transferred out from Bhiwani against which transfer he filed CWP No. 18380 of 2017, with this Court having stayed the order of transfer in Amit Kumars' case.

Thus, with Amit Kumar having been allowed to join back duty at Bhiwani, the petitioner is being transferred back to Nuh, the implication being that there is no vacancy on which he can remain posted at Bhiwani.

Vide a detailed order dated 01.09.2017, passed in CWP No. 17899 of 2017, titled as Rajender Kumar vs. State of Haryana (and a bunch of 107 writ petitions), this Court has already passed directions even in the case of

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Drivers/Conductors of who are being transferred back to their original places of posting on account of stay orders passed in other writ petitions, or where writ petitions of other petitioners have been allowed, the persons to be transferred back, being the “second set of employees” referred to in that judgment.

Consequently, this petition is disposed of with a direction to the competent authority in the respondent-State to go in the grievance of the petitioner and see whether he is required to be transferred back to Nuh, as per his length of service in Nuh vis-a-vis other persons.

It is again clarified that unless an employee is covered by any relaxation clause in the transfer policy, or there are other administrative reasons (to be recorded in detail) due to which his transfer is imperative, no employee shall be transferred out prior to two years, or as per the time limit set in the new policy being framed, unless such employee is covered by any specific exception given in the policy.

September 05, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes