

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 24076 of 2016
Date of Decision: March 01, 2017

Ram Avtar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. P.L. Verma, Advocate,
for the petitioner.

Mr. D.S. Nalwa, Addl. A.G., Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of transfer order dated 07.11.2016 (Annexure P/1) by which he has been transferred from the post of Peon-cum-Chowkidar from ITI Hathin to ITI Ujina in public interest in place of respondent no.4 – Surender Kumar and Surender Kumar has been posted from ITI Ujina to ITI Hathin in place of the petitioner.

Transfer order dated 07.11.2016 indicates that against the name of the 4th respondent, it is stated that at his request. Insofar as petitioner is concerned, it is stated that in public interest.

Learned counsel for the petitioner submitted that the petitioner is working at I.T.I. Hathin since 26.08.2015. Within one year and two months, he has been displaced from Hathin in order to accommodate respondent no.4 – Surender Kumar. No reasons have been assigned as to

why he has been transferred and it has been stated only in public interest. Therefore, order of transfer is illegal and arbitrary.

On the other hand, learned State counsel submitted that the petitioner has questioned the order of transfer without alleging mala fide, contrary to any rules. Since the order of transfer is in public interest. Hence, this Court cannot interfere in the matter of transfer.

Heard learned counsel for the parties.

Perusal of order of transfer dated 07.11.2016 (Annexure P/1) it is crystal clear that in order to accommodate the 4th respondent i.e. at his request, the petitioner has been shifted from Hathin to Ujina and the 4th respondent has been accommodated at Hathin. Merely stating that transfer is in public interest is not sufficient. Public interest word is conclusive and it is not supported by any reasons. Moreover, the petitioner is a class IV employee and minimum period of stay in a place would be around three years as per the transfer policy. Thus, the respondents have violated transfer policy. Supreme Court has held that even passing an administrative order must contain reasons. Perusal of transfer order dated 07.11.2016 (Annexure P/1) do not disclose the reason for transfer except stating that it is in public interest.

In view of these facts and circumstances, transfer order dated 07.11.2016 (Annexure P/1) is set aside.

Instant writ petition stands allowed.

March 01, 2017
vkd

[P.B. Bajanthri]
Judge

Whether reasoned / speaking : Yes

Whether reportable : No