

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21539 of 2017

Date of Decision: 21.09.2017

Ravi Parkash

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. S. S. Dinarpur, Advocate
for the petitioner.

Amol Rattan Singh, J.

The petitioner, who is working as a Driver in the respondent Haryana Roadways, has challenged his transfer from Jhajjar to Charkhi Dadri vide the impugned order, Annexure P-4, dated 20.07.2017.

A perusal of the said order shows that earlier the petitioner was transferred from Charkhi Dadri to Jhajjar, and was relieved from Charkhi Dadri vide the order Annexure P-3 dated 30.05.2017, on account of him having been shown to have been on a “longer stay” at Charkhi Dadri.

The impugned order, Annexure P-4, shows that the cancellation of the petitioners' transfer to Jhajjar is on account of the fact that one Jai Karan, Driver no.41, was relieved from the Jhajjar depot, and transferred to Charkhi Dadri, seemingly on account of the petitioner being transferred to Jhajjar. The said Jai Karan filed CWP no.14022 of 2017, in which while issuing notice on 03.07.2017, it was ordered to be heard alongwith CWP no.14016 of 2017, with an interim order also granted to the aforesaid Jai Karan, as had been granted to the petitioner in CWP no.14016 of 2017. Thus,

with Jai Karans' transfer from Jhajjar to Charkhi Dadri stayed by this Court, the petitioners' transfer *vice-a-versa*, has been also cancelled.

2. It is contended in the petition that the petitioner joined as a Driver in the respondent department on 09.09.2012 at Jhajjar, from where he was transferred to Charkhi Dadri on 14.08.2016, he having joined there in September 2016.

Thereafter, he was posted back to Jhajjar less than one year later on 20.07.2017, due to which the aforesaid Jai Karan was shifted to Charkhi Dadri, from Jhajjar.

3. The transfers of Drivers and Conductors having been made by respondents no.1 and 2 on a mass scale in the months of May to July 2017, those who had not completed even two years of service at a particular depot had approached this Court by filing a large number of writ petitions, stating that such transfers were against the policy of the Haryana Government (a copy of which has been annexed as Annexure P-5 with the present petition), which envisages a posting of at least two years at a particular post, except due to 'compelling administrative reasons'.

Such a large number of petitions having been filed, they were disposed of on 01.09.2017 vide a judgment having been passed in the 'lead case', i.e. CWP no.17899 of 2017, titled as Rajender Singh v. State of Haryana and others.

The transfer orders of those who had been transferred out within two years of their previous transfer, were quashed, whereas those who had been transferred as a consequence of the stay orders passed by this Court in respect of those who were transferred out with less than two years of service at a particular station, were ordered to be looked at by the respondent

authorities, by rationalizing the process of transfers at each depot, to determine as to who has the longest stay at each depot and therefore, was to be first transferred out, rather than somebody who had been posted at that very depot on a later date. It was also directed that if any person with a longer stay was covered by any of the clauses of exception to the general rule, as given in the policy (other than “compelling administrative reasons”), he would be allowed to stay on, if the competent authority was convinced that such an exception deserved to be exercised in favour of a particular employee, due to any illness or it being a couple case etc.

4. It needs to be noticed here that the aforesaid concept of “compelling administrative reasons” has also been commented upon adversely by this Court in its judgment dated 01.09.2017, passed in CWP no.17899 of 2017, as no compelling administrative reasons were infact shown to this Court in respect of any such transfer which had been challenged before this Court.

5. In the present case, the petitioner admittedly having stayed at Jhajjar for about four years and having been transferred to Charkhi Dadri thereafter, but transferred back to Jhajjar within one year on 30.05.2017, thereby displacing the aforesaid Jai Karan, who consequently obtained a stay order from this Court, I see no reason to interfere in the petitioners' transfer back to Charkhi Dadri, he not having completed a two year tenure there on the date that he was relieved on 30.05.2017 (having been posted to that place (Charkhi Dadri) only about one year earlier).

6. Consequently, finding no merit in this petition, it is dismissed, with the petitioner obviously free to make a representation to the respondent authorities for transfer him out of Charkhi Dadri after he completes two years there.

7. It is to be specifically noticed that nothing has been shown to this Court to the effect that he falls within the ambit of any of the exception clauses to the general norm, as contained in Annexure P-5.

September 21, 2017
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(AMOL RATTAN SINGH)
JUDGE

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |