

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.22151 of 2017(O&M)
Date of Decision: 27.09.2017

Nirmal

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. D.V. Sharma, Sr. Advocate with
Ms. Shivani Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

Petitioner, who is serving on the post of Pharmacist, has filed the instant petition impugning the order dated 4.8.2017, passed by the Director, Health & Family Welfare, State of Punjab to the extent of her transfer from Civil Hospital, Shahkot (Jalandhar) to Civil Hospital, Phillaur (Jalandhar).

Learned senior counsel would vehemently contend that the impugned transfer of the petitioner has been done at the behest of private respondent no.4 namely Tarandeep Singh. To substantiate such assertion counsel submits that vide order dated 20.3.2012 (Annexure P-5) respondent no.4 who was posted at C.H.C, Lohian Khas was put on duty temporarily in C.H.C, Shahkot till further orders. Upon the petitioner having been moved out of Shahkot vide impugned order dated 4.8.2017 (Annexure P-6), respondent no.4 has managed to secure his transfer at C.H.C, Shahkot on the ostensible basis that such transfer is from C.H.C, Lohian. Counsel argues that the authorities have conveniently overlooked the fact that respondent no.4 was not serving at C.H.C, Lohian and he had already been put on duty temporarily in C.H.C, Shahkot vide order dated 20.3.2012 (Annexure P-5).

As per counsel, such facts would be sufficient to conclude that the order of transfer of the petitioner is not bonafide and is vitiated by malafides.

Yet another ground pressed by learned senior counsel is that the petitioner has a serious health issue and is suffering from malignancy and has in fact been operated upon in the year 2014 at a hospital in Mumbai (Maharashtra).

Counsel has been heard at length and the pleadings on record have been perused.

During the course of arguments, it stands conceded by counsel that the petitioner in the capacity of a Pharmacist has continuously served at Shahkot since the year 1992. In other words, the impugned order of transfer dated 4.8.2017 (Annexure P-6) is the first transfer faced by the petitioner in the last 25 years.

As regards the serious medical ailment afflicting the petitioner, having been posted out from Shahkot to Phillaur (Jalandhar) the petitioner would have easier and more convenient access to the cities of Jalandhar as well as Ludhiana to facilitate treatment. In any case, counsel, during the course of arguments has himself stated that the petitioner has to have follow-up treatment from Mumbai. If that be the case, petitioner being posted out to Phillaur would not make any difference.

The averments as regards petitioner having been transferred out of Shahkot at the behest of respondent no.4 are utterly vague. Although, counsel made an attempt to impress that respondent no.4 is connected politically but the name of such political personality is not forthcoming. In the light of the pleadings on record it would not be possible for this Court to conclude that the impugned order of transfer of the petitioner suffers from

any malafide intent.

Petitioner having been transferred out after having remained at one particular station for a period of 25 years, no interference in the impugned order is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

27.09.2017

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No