

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 23686 of 2017
Date of decision: 13.10.2017

Mange Ram

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ramesh Goyat, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner challenges the transfer order dated 17.07.2017 (Annexure P-7) which, in effect, has cancelled his earlier transfer order dated 30.05.2017 (Annexure P-2) and resultantly, he has been sent back to GHS Kari Dharni, District Bhiwani from GMS Sumra Khera, District Bhiwani, where he had been initially transferred on 30.05.2017 as Clerk vice respondent no. 5.

The grouse of the petitioner is that he had stayed at Kari Dharni for 5 years and had been transferred to Sumra Khera at his request. However, the said respondent has now got the said order cancelled in spite of the fact that both of them had already joined at their places of posting. It is his grouse that the order dated 17.07.2017 would only come into effect if the candidates had not joined the previous place of posting. Reference has been made to various documents (Annexures P-3 to P-6) to show that in pursuance of the earlier transfer order dated 30.05.2017 both had joined at their respective places after having been relieved and, therefore, the said cancellation was not justified in the facts and circumstances.

It is apparent from the record that in view of the cancellation orders also, the petitioner and the private respondent have now been relieved from their duties to the places where they had been transferred. Therefore, at this stage, this Court does not feel it appropriate to interfere in the cancellation order since a period of almost 3 months has gone by.

Counsel, however, submits that he had immediately filed a representation dated 20.07.2017 (Annexure P-10) with respondent no. 2 raising his grievance, which is still pending consideration and accordingly, submits that he would be satisfied if the said respondent takes a decision on the same within a time bound frame.

Notice of motion.

Ms. Shruti Jain Goyal, AAG Haryana accepts notice. Copy of the writ petition has been supplied to her.

Keeping in view the above, this Court is of the opinion that no useful purpose would be served to ask the respondents to file reply as the decision making process is still pending on the said representation.

Accordingly, without commenting on the merits of the case or the entitlement of the petitioner for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with a direction to respondent no. 2 that he shall sympathetically consider the request of the petitioner in view of the averments which have been recorded above. Accordingly, a decision on the representation dated 20.07.2017 (Annexure P-10) will be taken within a period of 6 weeks from the date of receipt of certified copy of the order and keeping in mind the fact that the transfer had been cancelled 2-1/2 months later and in normal circumstances, an employee is entitled to stay for a

period of at least 2 years as per the policy of the State itself.

13.10.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No