

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

**Civil Writ Petition No.29425 of 2017
Decided on : 21.12.2017**

Ram Niwas

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Kapil Kakkar, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks transfer from Jail Department back to the Department of Irrigation where he was working since 1994. The claim is prayed in view of the judgment passed in **CWP No.1544 of 2005 'Dyal Singh Vs. State of Haryana and others'** decided on 19.07.2005 (Annexure P-4) that transfer out of cadre is not permissible.

It is the case of the petitioner that he was appointed as a Sweeper-cum-Chowkidar with the Irrigation Department on 14.07.1994 (Annexure P-1) and was transferred to District Jail, Sonapat on 03.05.2004 (Annexure P-2). Thereafter, he was transferred to District Jail, Bhiwani on 13.02.2009 (Annexure P-3).

Counsel submits that legal notice dated 11.12.2016 (Annexure P-6) to transfer him back to the Department of Irrigation has already been moved with respondents No.2 and 3 and he would be satisfied if the same is decided within a fixed time frame.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copies of the paper-book have been supplied.

Keeping in view the above, no useful purpose will be served by calling upon the respondents to file reply, since the decision making process is not complete.

Accordingly, the present writ petition is disposed of with a direction to respondent No.3 to take a decision on the said legal notice dated 11.12.2016 (Annexure P-6) within a period of 2 months from the receipt of the certified copy of this order.

Needless to say that, in case, any adverse order is to be passed, the same be conveyed to the petitioner by passing a speaking order.

DECEMBER 21, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No