

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.311 of 2017 (O&M)

Date of Decision: February 28, 2017

Rajpal

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ram Niwas Sharma, Advocate for the appellant.
Mr.Vijesh Sharma, Deputy AG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion .

On our asking, Mr.Vijesh Sharma, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let three copies of complete paper-book be handed-over to him during the course of day.

Heard learned counsel for the parties.

[2] The appellant assails the order dated 20.02.2017 vide which his writ petition challenging the order of his transfer from Safidon (District Jind) to Tohana (District Fatehabad), has been dismissed.

[3] The appellant is working as Assistant Superintendent in the office of S.D.O.(Civil), Safidon and is due for retirement on attaining the age of superannuation on 31.05.2017. He belongs to Safidon where he wants to settle down after retirement. The appellant was suddenly transferred on 02.12.2016 from Safidon to Tohana against which he filed a writ petition and ad-interim stay was granted.

[4] Learned Single Judge has dismissed the writ petition on the premise that the guidelines for not transferring an employee nearing retirement were inapplicable because such guidelines relied upon by the appellant were for the year 2004-2005 only. To this extent, learned Single Judge is not factually correct as such guidelines have been issued from time to time and are still operative. At the same time, transfer is an incident of service and it may not be expedient for a writ court to interfere with the same unless strong reasons are made out.

In the case in hand, we are satisfied from the averments made in their written statement filed before the learned Single Judge that there are no strong reasons for transferring the appellant at a far away place. Consequently, we dispose of this appeal by modifying the order of learned Single Judge, with a direction to the State Government to re-consider the place of posting of the appellant and accommodate him at a place near Safidon.

An appropriate order shall be passed within a period of two weeks from today.

Let a copy of this order be given dasti to Mr.Vijesh Sharma, learned Deputy Advocate General, Haryana, for information and necessary compliance.

[SURYA KANT]
JUDGE

February 28, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No