

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.918 of 2017 (O&M)

Date of Decision: 26.05.2017

Lakhwinder Kaur

... Appellant

VS.

UOI & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. Raman Mahinder Sharma, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The appellant's challenge to her transfer from Jalandhar to Amritsar by BSF authorities has been summarily rejected by learned Single Judge vide order under appeal in the light of decision of Hon'ble Supreme Court passed in **Shilpi Bose (Mrs.) vs. State of Bihar, AIR 1991 SC 532.**

(2) Learned counsel for the appellant has cited various mitigating circumstances including physical disability of her son who is staying with her in the residential quarter allotted by BSF at Jalandhar. It is also stated that appellant's children have been got admitted in a school at Jalandhar and as soon as the academic session of the school is over in March, 2018, the appellant has no grievance if she is transferred anywhere.

(3) We are afraid no effective relief can be granted to the appellant by this Court by assuming the role of BSF Authorities. The mitigating circumstances, if any, are to be appreciated by the authorities concerned only. The appellant will be well advised to submit a representation to the competent authority along with an undertaking that she has no objection if she would be transferred after March, 2018. We direct the competent authority to consider the appellant's representation sympathetically in the light of her undertaking

and take an appropriate decision within two weeks from the date of submission of the representation.

(4) With liberty afore-mentioned, the appeal is disposed of.

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In view of the above, the present application has become infructuous and is disposed of accordingly.

(Surya Kant)
Judge

26.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

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