

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.269

CWP-12904-2018

Date of decision : 25.05.2018

Dinesh Kumar

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mahavir Sandhu, Advocate, for the petitioner.

Mr. Rajesh Gaur, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

The petitioner is working as Forest Ranger in Territorial Range, Pehowa. He was transferred to Pehowa vide order dated 28.02.2017 (Annexure P-1). Now, vide order dated 09.05.2018 (Annexure P-5), the petitioner has been transferred to Kaithal vice respondent No.4.

Learned counsel for the petitioner submits that as per policy of transfer, an employee cannot be transferred before completion of two years unless there are extraordinary circumstances. Moreover, respondent No.4 is Deputy Ranger and he cannot replace the petitioner, who is Forest Ranger.

Learned State counsel, on the other hand, submits that as per the rules of transfer, an employee cannot be posted at his home district. The petitioner belongs to District Kurukshetra and therefore, the computer system threw up his name for transfer. Accordingly, the petitioner has been transferred out of home district. Moreover, as per Haryana Forest Manual, Volume II, Deputy Ranger can be asked to take charge of a Forest Range, which is less important. Forest Range Pehowa, is less important and therefore, respondent No.4 has been rightly transferred to take charge of that range.

From the contentions of the learned counsel for the parties, it is clear that the transfer of the petitioner vide impugned order dated 09.05.2018 (Annexure P-5), is on account of the fact that he has been wrongly posted to his home district. Under the circumstances, the transfer order cannot be said to violate the transfer policy as posting an employee out of his home district, is one of the extraordinary circumstances under which the rule of two years can be bye-passed. Moreover, the Rule 1.10 of the Haryana Forest Manual, Volume II, makes it clear that a Deputy Ranger can be posted to take charge of less important Forest Ranger. The said rule is reproduced below:-

‘Rule 1.10:- The charge of a range is ordinarily held by a Forest Ranger, but more important ranges may be held by Gazetted Officers and less important ranges by Deputy Rangers. Assistant Conservator of Forests and Extra Assistant Conservator of Forests are placed incharge of a Ranger for training.’

Learned counsel for the petitioner then contends that the aforementioned reasons have not been given in the impugned order. In my opinion, it is not necessary to mention everything in an order of transfer. The reasons have been supplied by the learned State counsel in support thereof and that is sufficient.

In view of the above, there is no merit in the writ petition and the same is dismissed.

(SUDHIR MITTAL)
JUDGE

25.05.2018

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No