

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

**C.W.P 18906 2017 (O&M)
Date of decision : 21.11.2018**

Parvinder KumarPetitioner
versus

State of Haryana and another ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Sangwan, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana

RITU BAHRI, J. (Oral)

The petitioner by way of present petitioner has approached this Court for quashing of order dated 19.06.2017 whereby the petitioner has been transferred from I.T.I Bhiwani to I.T.I Rewari.

This Court vide order dated 23.08.2017 passed the following order:-

“Learned counsel for the petitioner submits that the petitioner having been transferred to the Industrial Training Institute, Bhiwani, vide the order dated 29.10.2015 (Annexure P-1), he has been posted out now from Bhiwani to Rewari, vide the impugned order dated 14.06.2017 (Annexure P-2) which is against the transfer policy dated 06.10.2004 (Annexure P-4), by which “an employee generally not be transferred out of his current place of posting before he has completed two years at that post, except for compelling administrative reasons”.

Notice of motion be issued to the respondents, returnable on 30.10.2017.

The petitioner is stated not to have joined the new place of posting as he was not relieved from the ITI Bhiwani by the Principal (as contended) on account of the admission process being in

progress.

If the petitioner has not been relieved so far, he shall not be relieved, till the next date of hearing only and specifically.

It is the specific case of the petitioner that he has been transferred before the expiry of three years, but now the petitioner is working in Bhiwani for the last three years and as per policy, it is now upon the respondents to retain him at the present place of posting or not, as in draft transfer policy dated 04.07.2017 (Annexure P-6), it has been specifically mentioned that normal tenure of an employee at any place of posting shall be of 03 years. He may be allowed to continue beyond three years or consideration of 100% result.

In view of the above factual position, the petition stands dismissed but the respondents are bound by the transfer policy (Annexure P-6).

November 21, 2018
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No