

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

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**CWP No.18810 of 2018 (O & M)
Date of Decision: September 12, 2018**

Rajiv Nanda

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Ms. Dhivya Jerath, Advocate
for the petitioner.

Mrs. Anu Chatrath Kapoor, Addl. AG, Punjab
for respondents No.1 and 2.

Mr. Rahul Rampal, Advocate
for respondents No.4 to 6.

JASWANT SINGH, J. (ORAL

CM No.13470-2018

By way of filing the present application, private respondents No.4 to 6 seek to file their reply along with Annexures R-4/1 and R-4/2, as also exemption from filing the certified copies thereof.

Application is allowed as prayed for. The reply along with its Annexures R-4/1 and R-4/2 are taken on record. Copy of the same has been furnished to the counsel opposite.

Registry to tag/paginate the same at appropriate place in the paper book.

Main Case.

The petitioner is serving as Veterinary Officer and has challenged his transfer from Fatehgarh Sahib to Ludhiana vide impugned order dated 16.07.2018 (Annexure P-1).

It is contended that the petitioner has only completed two years at his place of posting at Fatehgarh Sahib whereas as per the Transfer Policy, 2018 the minimum tenure laid down is three years. It is next argued that even the wife of the petitioner is serving as Assistant Professor in a College at Fatehgarh Sahib.

This Court while issuing notice of motion had granted interim stay of transfer vide order dated 07.08.2018.

Learned counsel for the respondents No.1 and 2/State states that the State wishes to adopt the reply filed by the private respondents Nos.4 to 6.

Alongwith the aforesaid reply, Policy dated 23.04.2018 has been placed on record as Annexure R-4/2, whereby as per Clause 1.1 (c), the officials belonging to Group-B services like the present petitioner, had not been transferred before two years. However, in view of the special administrative reasons and serious personal problems, even the period of two years, can be waived off. Hence, it is apparent that as per the transfer policy, the petitioner could be transferred after, concededly, having completed two years at Fatehgarh Sahib. It is further asserted in the written statement that the wife of the petitioner is employed in the private institution and, thus, is not covered in the category of special case as per the policy (Annexure R-4/2). The said factual position stands undisputed. That

village i.e. private respondents and others had made various complaints to various Government authorities regarding unsatisfactory, non-cooperative working of the petitioner vitiating the atmosphere of the polyclinic. It is also pointed out that the home town of the petitioner is Ludhiana, where his son is studying in 6th class in DAV Public School, Ludhiana.

After hearing learned counsel for the parties and keeping in view the aforesaid undisputed facts, no case for interference in the transfer is made out, which, concededly, is an incident and not a condition of service.

Dismissed.

(JASWANT SINGH)
JUDGE

September 12, 2018
A.Kaundal

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