

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

**Civil Writ Petition No. 19155 of 2018 (O&M)
Date of Decision: 24.08.2018**

Sukhpal Singh

..... Petitioner

Versus

The Punjab Urban Planning & Development Authority,
SAS Nagar (Mohali) through its Chairman and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.K. Walia, Advocate
for the petitioner.

Mr. R.S. Khosla, Senior Advocate, assisted by
Mr. Sarvesh Malik, Advocate
for respondent Nos. 1 & 2/PUDA.

JASWANT SINGH, J. (ORAL)

Petitioner (Sukhpal Singh) is serving in the Cadre of Assistant Engineer with the Punjab Urban Planning & Development Authority (PUDA), under which, local authorities like Greater Mohali Area Development Authority (GMADA), Mohali; Greater Ludhiana Area Development Authority (GLADA), Ludhiana; Bathinda Development Authority (BDA), Bathinda; Amritsar Development Authority (ADA), Amritsar; Jalandhar Development Authority (JDA), Jalandhar; and Patiala Development Authority (PDA), Patiala, have been created. The official(s) of the Cadre of Assistant Engineer, being a State Cadre, can, thus, be posted at any of the aforesaid authorities, situated in different cities of Punjab.

The petitioner, by filing the present writ petition, has challenged the order dated 16.07.2018 (**Annexure P-5**), whereby he has been transferred from GMADA, Mohali to BDA, Bathinda.

Counsel for the petitioner states that the transfer is liable to be quashed as the wife of the petitioner is serving as a Teacher in a Govt. School and being a couple case, three options for place of postings were required to be taken. It is next submitted that there was no proposal for transfer, however, due to *mala fide* intention of respondent No. 5/Rajwinder Singh, P.A. to the Housing & Urban Development Minister, Punjab, the name of petitioner was inserted in the transfer order dated 16.07.2018 (**P-5**).

Upon notice, reply has been filed, wherein it is stated that petitioner has remained posted at Mohali and near about places for most of his service w.e.f. 15.01.1993 till today. The complete chart in Para-2 of reply, showing the place(s) of posting of the petitioner, is reproduced as under:-

Sr. No.	Office	Station	From	To	Ten-ure
01	Estate Officer, Urban Estates, Mohali	Mohali	15.01.1993	28.07.1995	About 2 Years 6 Months
02	Administrator, PUDA, Patiala	Patiala	29.07.1995	09.08.1995	11 days
03	S.E. (Horticulture), PUDA, Chandigarh	Chandigarh	09.08.1995	20.09.1995	About 01 Month
04	Administrator, PUDA, Patiala	Patiala	21.09.1995	17.07.1996	About 10 Months
05	Additional Chief Administrator, PUDA, Mohali	Mohali	18.07.1996	22.01.2003	About 06 Years 05 Months
06	The petitioner was placed under suspension vide order dated 22.01.2003 and his Headquarter was fixed at Head Office of PUDA, Chandigarh	Chandigarh	22.01.2003	04.03.2003	About 01 Month 13 days

07	EO, PUDA, Mohali	Mohali	04.03.2003	24.02.2004	About 11 Months
08	Divisional Engineer (Project), PUDA, Mohali	Mohali	24.02.2004	10.01.2005	About 11 Months
09	Estate Office, PUDA, Mohali	Mohali	10.01.2005	01.07.2005	About 06 Months
10	The petitioner was placed under suspension vide order dated 01.07.2005 and his headquarter was fixed in the office of Addl. Chief Administrator, PUDA, Mohali	Mohali	01.07.2005	05.08.2005	About 01 Month
11	Addl. Chief Administrator, Mohali	Mohali	05.08.2005	29.09.2005	About 02 Months
12	Divisional Engineer (Public Health), PUDA, Mohali	Mohali	29.09.2005	13.12.2007	About 02 Years 03 Months
13	GMADA, Mohali	Mohali	13.12.2007	16.08.2012	About 04 Years 09 Months
14	GLADA, Ludhiana	Ludhiana	17.08.2012	29.11.2012	About 03 Months
15	GMADA, Mohali	Mohali	30.11.2012	16.07.2018	About 05 Years 07 Months
16	B.D.A., Bathinda	Bathinda	16.07.2018		

It is apparent that the petitioner was last posted at Mohali on 30.11.2012, and therefore, has completed more than five and half (5½) years at stretch at Mohali. Thus, it is to be accepted that the case of the petitioner cannot be considered as a special case, meant for couple cases. The plea of *mala fide* of respondent No. 5 is not being entertained as notice of motion was only issued to respondent Nos. 1 & 2/PUDA, and even otherwise the very fact that the petitioner has stayed for more than five and half (5½) years at Mohali, it would be in the administrative interest that he is transferred out of his previous place of posing.

In view of above, no case for interference in the present writ petition is made out, the same is '**dismissed**'.

Since the main has been decided, no orders are required to be passed in the pending miscellaneous application(s), if any, and the same stand(s) disposed of.

August 24, 2018
'dk kamra'

(JASWANT SINGH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>