

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19176 of 2018
Date of Decision: 03.08.2018

Ashok Kumar and Anr.

.....Petitioners

Vs.

State of Haryana and anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ramesh Goyat, Advocate for the petitioners.

RITU BAHRI, J. (ORAL)

Petitioners are seeking directions to the respondent No.2 to their transfer/relieve from present place of posting to Sonapat Depot being chronic cases in terms of Govt. Transfer Policy dated 06.10.2004 (Annexure P-1) and further to consider and decide the legal notice dated 08.04.2018 (Annexure P-5) in the light of abovesaid policy.

Learned counsel for the petitioners has referred to the Transfer Policy (Annexure P-1) whereby guidelines have been issued while making posting/transfers of Class III/IV government employees in which one of the conditions i.e. condition No.(X) for seeking transfer the petitioner is as under:

XXX XXX XXX XXX XXX

“(X) Request for transfer in cases of genuine hardship may be viewed sympathetically on representation made by the employee to his/her head of Department.”

The petitioners i.e. Ashok Kumar and Sandeep Kumar have placed on record the certificates of chronic disease (Annexure P-2 colly.) as

long and their treatment are going on at Sonapat. Learned counsel for the petitioner has referred to the order dated 12.05.2017 (Annexure P-3) whereby, respondent No.2 has considered the hardship of employees like the petitioners and have mentioned the some conditions in the transfer orders in which one of the condition is that any employee in case, the longer stayee/against vide versa happens to be employee incapacitated due to accident etc. or suffering from chronic disease (himself or spouse or suffering from chronic disease (himself or spouse or dependent parents/legitimate children then the next senior most able bodied employee (medically fit) shall be relieved by the General Manager. Since the petitioners were compelled to vacate their posts in order to accommodate some employees without considering their genuine problem, the corporation vide order dated 20.11.2017 (Annexure P-4) forcibly and arbitrarily ordered to vacate the post though many much longer stayee conductors are working at Sonapat Depot. Aggrieved against the same, petitioners moved legal notice dated 08.04.2018 (Annexure P-5) reiterating their demand but all in vain.

In view of the above, present writ petition is disposed of by giving directions to respondent No.2 to look into the legal notice of the petitioners dated 08.04.2018 (Annexure P-5) and pass appropriate orders within six weeks on receipt of the date this order in accordance with law.

(RITU BAHRI)
JUDGE

03.08.2018
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No