

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

(144)

**Civil Writ Petition No.20861 of 2018
Decided on : 20.08.2018**

Diwan Chand

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Raman Goklaney, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the transfer order dated 10.08.2018 (Annexure P-1) passed by respondent No.2, whereby the petitioner has been transferred from Nagar Panchayat, Mudki to Municipal Council, Ferozepur.

The contention which has been raised in the writ petition is that the petitioner is on extension, as he had retired on 28.02.2017. The second extension had started on 01.03.2018 and is due to expire on 28.02.2019.

It is contended that the petitioner's wife is undergoing medical treatment and documents have been attached as Annexure P-4. An argument has also been raised that as per Transfer Policy dated 23.04.2018 (Annexure P-7), in case of transfer and posting, a preference would be given to the employee, if he is due to retire within a period of less than two years. It is further submitted that in the Budget Notification for year 2018-2019 of respondent No.4 also the provision has been made for his retiral benefits

and he would suffer grave hardships if the transfer order is not cancelled.

Counsel further submits that an application for cancelling the transfer order has already been moved with respondent No.2 on 14.08.2018 (Annexure P-5) and no person is being transferred against his post.

Notice of motion.

On the asking of the Court, Ms. Simran Grewal, AAG, Punjab accepts notice on behalf of respondents No.1 to 3. Copy of the paper-book has been supplied to her.

Keeping in view the above facts, this Court is of the considered opinion that the said respondent should take a decision on the said representation within a period of 4 weeks from the receipt of the certified copy of this order.

In the meantime, the transfer order dated 10.08.2018 (Annexure P-1) shall remain in abeyance.

The writ petition is, accordingly, disposed of.

AUGUST 20, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No