

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

**CWP No.21289 of 2018(O&M)
Date of decision : 24.08.2018**

Ishwar Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Harkesh Manuja, Advocate for the petitioner.

RITU BAHRI, J. (ORAL)

The case of the petitioner is that vide order dated 27.09.2017 (Annexure P-3) he was transferred from PHC Madina, CHC Gohana, District Sonapat to PHC Amli, CHC Shehzadpur, District Ambala and this transfer was on the request made by respondent No.3 -Ram Phal. However, on filing of a writ petition bearing CWP No.22658 of 2017 the impugned order dated 27.09.2017 was ordered to be cancelled by the Competent Authority vide order dated 13.11.2017 (Annexure P-4). Thereafter again vide order dated 21.08.2018(Annexure P-5) he has been ordered to be transferred PHC Madina, CHC Gohana, District Sonapat to PHC Shahabad, CHC Jhansa, Kurukshetra. He remained posted at Gohana w.e.f. 30.05.2016 to 21.08.2018. His stay there was for a period of 2 years and 3 months. The petitioner has referred to a letter dated 7.4.1989 issued by the Chief Secretary to Government of Haryana and addressed to all the Heads of the Departments and others with regard to policy and guidelines for postings

and transfers and clause (ii) thereof is reproduced hereunder:-

“In order to maintain continuity and in the interest of efficiency of work the minimum period for continuously serving on a post shall normally be three years. Employees should not be transferred from a post earlier unless it is essential to do so on exceptional ground in public interest.”

As per the aforesaid instructions the minimum period for continuously serving on a post shall normally be three years and he cannot be transferred unless it is essential to do so on exceptional grounds of public interest. The petitioner has not placed on record the latest transfer policy of the State. As per the said policy a person should normally be not transferred within three years. In this case he has been ordered to be transferred after two years.

Petition is dismissed.

(RITU BAHRI)
JUDGE

24.08.2018
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No