

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.26586 of 2018 (O&M)

Date of Decision: 02.11.2018

Sudesh Kumari

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.N.K.Malhotra, Advocate, for the petitioner.

Mr.R.K.Malik, Senior Advocate with
Mr.Samrat Malik, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Petitioner was transferred from Sonipat to CHC Kiloj Rohtak keeping in view that her husband is suffering from chronic disease and she joined at Rohtak on 25.09.2018 pursuant to transferred order dated 24.09.2018 (Annexure P-4). However, subsequently vide order dated 05.10.2019 (Annexure P-6), her transfer order has been cancelled.

Notice of motion was issued on 15.10.2018 and operation of the impugned order dated 05.10.2018 (Annexure P-6) was stayed. Thereafter, an application has been filed for eviction of stay order along with short written statement. Mr.Malik, Senior Advocate, has stated that petitioner was posted at Rohtak vide last 6 years w.e.f. 26.05.2011 to 16.12.2014 and again from 15.01.2015 to 17.05.2017 and

thereafter she has been transferred vide order dated 15.05.2017 from Rohtak to Sonapat. Although as per the Govt. Policy (Annexure P-7) no employee has to be transferred prior to three years but the petitioner managed order dated 24.09.2018 (Annexure P-4) after one year four months. Learned counsel for the applicant/respondents submits that after 6 years, petitioner has been transferred from Rohtak to Sonapat but vide order dated 24.09.2018 (Annexure P-4) she was again transferred to Rohtak on the ground that her husband was suffering from chronic disease but thereafter the same has been cancelled vide order (Annexure P-6).

Aggrieved against the same, petitioner has filed the present writ petition seeking quashing the order dated 05.10.2018 (Annexure P-6).

Heard, learned counsel for the parties.

As per certificate (Annexure P-2), husband of the petitioner is suffering from chronic disease I HD. As per transfer policy dated 07.04.1989 (Annexure P-7), an employee should continuously working on a post shall normally be three years. A perusal of the policy shows that there is no condition to allow any employee who has spent more than 6 years of his service who is suffering from any chronic disease.

Learned counsel for the petitioner has referred to the Clause (iv) of the policy (Annexure P-7) wherein, the competent authorities should however, consider sympathetically the cases involving hardships i.e. serious illness etc.

Keeping in view the medical certificate (Annexure P-2) petitioner was not suffering serious heart problem and this reason cannot be made a ground to transfer the petitioner again to Rohtak and in this backdrop, the cancellation of transfer order dated 05.10.2018 cannot be set aside.

In view of the above, order dated 05.10.2018 (Annexure P-6) has been rightly passed by the competent authority. The present writ petition is dismissed as such.

(RITU BAHRI)
JUDGE

02.11.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No