

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

CWP No.28157 of 2018  
Date of decision 01.11.2018

Sushil Kumar Kansal

...Petitioner

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Pardeep Kumar Sehrawat, Advocate,  
for the petitioner.

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Ritu Bahri, J. (oral)

Petitioner is seeking a writ of certiorari for setting aside the transfer order dated 23.10.2018 (Annexure P-2), whereby he has been transferred from Kurukshetra to Narnaul.

Initially, vide order dated 08.05.2017 (Annexure P-1) the petitioner was transferred from Jind to Kurukshetra. Thereafter, vide impugned order dated 23.10.2018 (Annexure P-2), he has been transferred to Narnaul. This order has been passed within a period of 1½ years.

Learned counsel for the petitioner states that as per disability certificate (Annexure P-4), the petitioner is 80% disabled and is suffering from chronic disease. He further states that the petitioner has not been relieved so far.

Notice of motion.

On the asking of the Court, Ms. Palika Monga, DAG, Haryana, accepts notice on behalf of the respondent-State.

Copy of this petition be supplied to learned State counsel

during the course of the day.

Keeping in view the disability of the petitioner and the fact that he is suffering from chronic disease, this Court is of the view that there is no need to file written statement in the present petition. Moreover, the petitioner has been transferred from the present place of posting within a period of two years, which is against the transfer policy dated 06.10.2004 (Annexure P-6).

In view of the said fact, the present petition is allowed and the impugned transfer order dated 23.10.2018 (Annexure P-2) is set aside qua the present petitioner.

01.11.2018  
ajp

(RITU BAHRI)  
JUDGE

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No