

Sr. No.109

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

CWP No.29238 of 2018 (O&M)

Date of Decision: 17.12.2018

Raj Kumar

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. A.S.Sandhu, Advocate,
for the petitioner.

ARUN MONGA, J.(ORAL)

Present petition has been filed seeking issuance of a writ in the nature of certiorari to quash the impugned order dated 24.10.2018 (Annexure P-2) passed by respondent No.4 vide which the petitioner has been transferred from Group Centre, Sonapat to 216 Battalion Orissa being against the Standing Order No.7/2015 .

Learned counsel for the petitioner contends that while petitioner was posted as Assistant Sub Inspector at 43 Battalion in Jammu and Kashmir in the year 2016 on combat duty, his right leg was fractured. Owing to that, he was ordered to be transferred to Group Centre, Sonapat. He contends that as per Transfer Policy envisaged in Standing Order No.7/2015 dated 04.08.2015 (Annexure P-3) Sub Clause (viii) Clause 4 normal tenure in field station is of 04years and for hard field area/SOZ, Static and peace stations is 03 years.

Sub Clause (xvii) provides that whenever any transfer is ordered prematurely i.e. prior to completion of normal tenure, reasons justifying pre-mature transfer shall be mentioned in the transfer order. He contends that impugned order of transfer is in violation of said Transfer Policy enacted by CRPF/Ministry of Home Affairs.

He states that as per the impugned order dated 24.10.2018 (Annexure P-2), the petitioner has been directed to join new place of posting within stipulated time. Transfer Policy i.e. the Standing Order No.7/2015 contemplates that the transferred personnel shall be relieved within 20 days from the date of receipt of transfer order. He states that the petitioner has not been relieved from current place of posting till date.

He points out that for non-compliance of the Transfer Policy, *ibid* petitioner submitted a representation dated 06.11.2018 (Annexure P-4) but the same has not been adverted to by the respondents till date.

Notice of motion.

At this stage, Mr. Sunil Kumar Sharma, Senior Panel Counsel for Union of India accepts notice on behalf the respondent.

I am of the opinion that in view of the contentions of the learned counsel for the petitioner, present petition can be disposed of without further proceedings.

Respondent No.4-DIG (Admn.), CRPF, Hallomajra, Chandigarh is directed to pass a fresh speaking order keeping in

view the contentions of learned counsel for the petitioner as noted above as also the contents of the representation dated 06.11.2018 (Annexure P-4) already submitted by the petitioner. Needful be done within a period of 30 days from the date of receipt of a copy of this order.

Till passing of the fresh order, operation of the impugned order (Annexure P-4) qua petitioner shall remain stayed.

It is made clear that observations made above shall not be construed as an expression of opinion on the merits of the case and respondent No.4 is at liberty to pass a fresh order in accordance with law.

Learned counsel for the respondent who is present in Court is requested to convey the order of this Court to respondent No.4.

Disposed of.

(ARUN MONGA)
JUDGE

17.12.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No