

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

**CWP-29916-2018 (O&M)  
Date of Decision: 28.11.2018**

Bir Singh

... Petitioner

Versus

State of Haryana & another

... Respondents

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present: Mr. Shreenath A. Khemka, Advocate for the petitioner.

...

**TEJINDER SINGH DHINDSA, J. (ORAL).**

Petitioner is employed as a Driver under the Haryana State Transport Department.

Pleadings on record would indicate that vide order dated 19.05.2017, petitioner was transferred from Kaithal Depot to Chandigarh Depot, Haryana Roadways. Placed on record at Annexure P-2 is the relieving order of the petitioner from Kaithal Depot, Haryana Roadways. It is the conceded position that the petitioner joined as a Driver with Chandigarh Depot, Haryana Roadways pursuant to the order of transfer dated 19.05.2017. The case set forth by counsel is that the transfer orders of various Conductors and Drivers working under the Haryana Transport Department came up for scrutiny before this Court in a bunch of petitions and which were dealt with by a common judgment dated 01.09.2017 passed in **CWP-17899-2017 (Rajender Singh Vs. State of Haryana & others)** and other connected petitions at Annexure P-3 and a view was taken with regard to transfer orders being in violation of the Transfer Policy framed by the State Government itself. Counsel has placed heavy reliance upon paras

10 and 11 of the judgment passed in **Rajender Singh's case (supra)** and which read as follows:

*10. As regards those who have been now transferred out on account of cancellation of the earlier transfer orders, pursuant to either stay orders or directions by this Court, in petitions filed by the first set of petitioners, it is directed that their re-transfer orders/cancellation/withdrawal of their earlier orders of posting, would remain operative presently; that is to say that the orders impugned in the second set of petitions would continue to operate, with the petitioners therein reporting back to the places from which they were first transferred out.*

*Thereafter, as regards all Drivers and Conductors of the Haryana Roadways in all depots, they shall be posted out in terms of the existing policy, by which they are not to be posted out for two years. As regards those who have completed two years and therefore require to be posted out, first the persons with the longest stay beyond two years shall be posted out from any particular depot to another, after which the person with the next longest stay would be posted out, and so on.*

*In no case shall the official respondents post out a Driver or Conductor from his place of posting prior to any other Driver/Conductor (as the case may be), having a longer stay, being posted out from that depot, unless the person with a lesser stay is being posted out in terms of the exceptions in the policy.*

*Of course, if such employee with a longer stay has a right to remain posted despite such longer stay, on account of any illness in his immediate family or such other conditions as are covered by the existent policy of transfer, then obviously, he would be entitled to the benefit of such part of the policy.*

*11. It is also directed that in future the official respondents shall ensure that the policy formulated is adhered to strictly, and if any transfers are to be made for “any compelling*

*administrative reasons”, such compelling administrative reasons shall be specifically detailed, if not in the order of transfer then in the noting sheet of the competent authority that is making the transfer, failing which such transfer shall be considered to be in violation of the present directions, amounting to contempt of Court.*

It is the contention raised by counsel that the afore noticed directions would even apply qua the petitioner and as such, the transfer of the petitioner from Kaithal Depot to Chandigarh Depot vide order dated 19.05.2017 ought to be cancelled. To buttress his submission, counsel has even referred to a communication dated 09.11.2017 (Annexure P-4) issued from the office of the Director General, State Transport, Haryana, Chandigarh and addressed to all General Managers Haryana Roadways on the subject of cancellation of transfer orders. As per counsel, such communication was issued in purported compliance of the judgment dated 01.09.2017 passed by the writ Court in **Rajender Singh's case (supra)**. It is argued that inspite of the orders passed by this Court as also the communication dated 09.11.2017 at Annexure P-4, necessary orders cancelling the transfer of the petitioner from Chandigarh Depot to Kaithal Depot under the Haryana Roadways have not been issued.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

It is the case of the petitioner himself that the matter as regards transfer including the transfer of the petitioner vide order dated 19.05.2017 from Kaithal Depot to Chandigarh Depot would be covered in the light of the general directions issued by the writ Court in **Rajender Singh's case (supra)**. If that be the case, there would be no requirement for this Court to

examine the matter afresh and to pass any further directions in the matter.

Accordingly, the instant writ petition is disposed of in terms of granting liberty to the petitioner to take out appropriate proceedings as deemed fit in accordance with law.

Disposed of.

**28.11.2018**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**

- |     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |