

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

CWP-3194-2018

Date of Decision: February 12, 2018

Randhir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. S.S. Mor, Advocate,
for the petitioner.

ARUN PALLI, J. (ORAL)

Notice of motion.

Mr. Siddharth Sanwaria, DAG, Haryana, present in the Court,
accepts notice on behalf of the respondents. Copies furnished.

For the nature of order, I propose to pass in the matter, no
formal written statements/counter affidavits on behalf of the respondents are
indeed necessary, at this stage. Thus, with the consent of the parties, the
petition is being disposed of finally.

The petitioner, who is employed as a Driver with the respondent
department, was transferred vide order dated 15.05.2017 (Annexure P-1),
from Faridabad to Bhiwani. Concededly, he had joined at his new place of
posting pursuant to his transfer. However, vide impugned order dated
13.11.2017 (Annexure P-3), the order of his transfer, dated 15.05.2017
(Annexure P-1), has since been withdrawn. Significantly, the petitioner is
slated to retire from service on 28.02.2018. Thus, the order of cancellation
of his transfer to Bhiwani, is in breach of the transfer policy, dated

transfer of a superannuating employee, who is in the last year of his service, may be effected only in compelling circumstances. Whereas, there is nothing on record to show that the impugned order was passed owing to extreme administrative exigencies. The petitioner purports to have represented to the respondents in this regard, vide representation dated 20.11.2017 (Annexure P-5). But the same continues to await consideration of the competent authority.

In response, learned State counsel submits that the grievance of the petitioner as also his representation, dated 20.11.2017 (Annexure P-5), shall be considered and dealt with, within a period of two weeks from today. And, appropriate orders, in accordance with law, shall be passed and communicated to the petitioner.

The petition is accordingly disposed of in the above terms. However, in the event the claim of the petitioner is declined, the respondent authorities shall pass a comprehensive order by assigning reasons in support thereof.

Till the appropriate orders are passed by the competent authority, operation of the impugned order dated 13.11.2017 (Annexure P-3), shall remain stayed qua the petitioner.

(ARUN PALLI)
JUDGE

February 12, 2018

P Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO