

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

CWP-3215-2018

Date of Decision: February 12, 2018

Radha Krishan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rakesh Nagpal, 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 is employed as Havaladar Clerk in the respondent
department. Pursuant to the order dated 13.02.2014 (Annexure P-1), he was
transferred from the office of the District Commandant, Home Guard,
Panipat, to the office of the District Commandant, Home Guard, Fatehabad,
vice Shri Rajender Prashad. He is aggrieved by an order dated 06.02.2018
(Annexure P-2), vide which he has been transferred to Kaithal. The limited
grievance that the petitioner has is that he is slated to retire from service on
31.12.2018. And, Clause (iv) of the transfer policy, dated 06.10.2004

is in the last year of his service, may be effected only in compelling circumstances. It is urged that there is nothing on record to show that the transfer of the petitioner, in the given situation, to Kaithal, was inevitable or was ordered in extreme administrative exigencies.

In response, learned State counsel submits that the grievance of the petitioner as also his claim shall be considered and dealt with by the respondent authorities within a period of eight 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.

As the petitioner has still not been relieved from Fatehabad, the operation of the impugned order dated 06.02.2018 (Annexure P-2), shall remain stayed till appropriate orders are passed by the respondents.

(ARUN PALLI)
JUDGE

February 12, 2018

P Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO