

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 803 of 2018(O&M)

Date of Decision: May 25, 2018

Harjinder Singh

.....Petitioner

versus

Central Warehousing Corporation and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. S.S. Bedi, Advocate
for the petitioner

Mr. Sandeep Verma, Advocate
for the respondents

Sudhir Mittal, J. (Oral)

The petitioner is holding the post of Junior Superintendent and is currently working in CW Bhogpur. His grievance is that he has been illegally transferred to CW Nabha. He is due to retire on 31.10.2018 and as per the transfer policy governing his services, an employee is entitled to be posted to his home district in the last two years of his service. The petitioner was transferred to Bhogpur (close to his home place) at his own request because his wife has medical problems and his mother is old and ailing. However, the petitioner has been transferred to Nabha vide impugned order dated 06.11.2017, in violation of the transfer policy.

Learned counsel for the petitioner reiterates the averments in the writ petition in support of his prayer of quashing transfer order dated 06.11.2017 (Annexure P-11).

Learned counsel for the respondents opposes the prayer. His submission is that impugned order of transfer is legal and valid. He submits that the petitioner is quarrelsome in nature and the warehouse Manager had made a complaint against him on which an enquiry report dated 25.09.2017 was submitted.

The enquiry report found that the petitioner had been indulging in acts of

insubordination rendering it difficult for the warehouse manager to function. Thus, both the warehouse Manager as well as the petitioner were transferred. He also refers to transfer policy wherein it is mentioned that organizational efficiency would prevail over any other condition mentioned in the said policy. The petitioner has been transferred to maintain organizational efficiency and, thus, there is no illegality in the impugned order.

Having heard learned counsel for the parties, I am of the view that this writ petition deserves to be dismissed. The enquiry report finds that the petitioner is involved in acts of insubordination and also that the petitioner is quarrelsome by nature. Thus, functional efficiency of the warehouse has been adversely affected. Learned counsel for the respondent is right when he submits that organizational efficiency is the overriding factom and all other terms of the transfer policy are subject to the same.

In view of the above, the writ petition is dismissed. However, without any order as to costs.

May 25, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No