

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 17.05.2018****CWP No.8272 of 2018 (O&M)**

Anita Devi

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ramesh Hooda, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Sunil Kumar Bhardwaj, Advocate, for respondent No.3.

RAJIV NARAIN RAINA, J. (ORAL)

Reply on behalf of respondent No.3 has been filed in Court,
which is taken on record. Copy supplied.

Heard.

The Transfer Policy provides concession in service to persons
suffering from blindness and severe handicap which restricts movement.
None of which two pre-conditions is present in the case of respondent No.3.

The petitioner has been transferred from RHC Kakroi Road,
Sonipat to Sub Centre, Hathawala, PHC Patti Kalayana, CHC Samalkha
(Panipat). Respondent No.3 was transferred on medical grounds in place of
the petitioner without just cause or legal justification, it is urged. The
medical record of respondent No.3 suggests that she has a medical condition
which does not satisfy the provisions of the Transfer Policy by way of an
exception. From the medical record, it appears that respondent No.3 has
undergone IVF (Intra Zoetrope Fertilise) Surgery and that she is taking
medical treatment. Such treatment can be taken care off easily in her earlier

place of posting. Sonipat and Panipat both are on the Grand Trunk road and are at close distance. Both the cities offer the same standard of medical facilities. Respondent No.3 cannot legitimately make a grievance of the case of respondent No.4 since the dispute is between the petitioner and respondent No.3 as far as transfer is concerned.

Thus, this Court is of the considered view that the impugned transfer order dated 15.03.2018 (Annex P-9) suffers from patent illegality and has been passed arbitrarily contrary to the Transfer Policy.

As a result, the instant petition is allowed and the order dated 15.03.2018 qua the petitioner and respondent No.3 is quashed by writ of certiorari.

17.05.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No