

Sr. No. 111

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

**CWP No.5626 of 2019 (O&M)
Date of Decision: 01.03.2019**

Mahesh Pal

... Petitioner

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Saravpreet Gurna, Advocate,
for the petitioner.

ARUN MONGA, J.(ORAL)

Inter alia, contends that petitioner is a handicapped person as reflected from the certificate dated 25.06.1986 (Annexure P-5). The petitioner falls in the category of Orthopedically Handicapped person as he suffers from Residual Paralysis Right upper and lower limb amounting to 50% disability.

2. Learned counsel for the petitioner contends that vide impugned order dated 18.02.2019, respondent No.3 (Proforma respondent) has been transferred to Baghapurana, District Moga by declining the request of the petitioner to be posted at Baghapurana.

3. Learned counsel for the petitioner further contends that as per 'Transfer Policy' dated 29.03.2010 issued by erstwhile Punjab State Electricity Board, handicapped employees are to be given preferential treatment. The relevant of the said 'Transfer

Policy' is extracted hereinbelow:-

“Transfers must be kept to the minimum so as to avoid unnecessary expenditure on TA/DA of the employees. Employees who are due to retire within the next two years may be allowed to continue at the same post, except on complaint/personal request, but it will not be construed as a matter of right. Other guidelines of general nature viz being a couple case, handicapped employees, unmarried girls, widows, divorcees shall be kept in view. No officer/official should be posted back to the same post in the field offices and in the same organization in case of other offices, if he has been shifted out earlier due to completion of tenure.”

4. Placing reliance on the above Policy, learned counsel for the petitioner contends that the petitioner's case ought to have been considered on preferential basis. He states that even otherwise petitioner is senior to the transferred employee (respondent No.3) and, therefore, his claim ought to have been treated on a higher merit.

5. To mitigate his grievance, petitioner submitted a representation dated 20.02.2019 (Annexure P-10), which has not been adverted by the respondents.

6. Be that as it may, in view of nature of order being passed, no notice is required to be issued as no further pleadings/proceedings are warranted in the case.

7. Present petition is disposed of with a direction to the respondents to sympathetically consider the representation dated 20.02.2019 (Annexure P-10) and pass a speaking order by keeping in view its own Transfer Policy, *ibid* as also consider the

contentions of the learned counsel for the petitioner noted above.

8. Let the needful be done within a period of 2 months from the date of receipt of a certified copy of this order.

9. Disposed of.

01.03.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No