

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 9037 of 2019
Date of decision :02.05.2019

Lalit Dhiman

...Petitioner(s)

versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Sonak, Advocate for the petitioner.

RITU BAHRI, J. (Oral)

The petitioner is seeking direction to the respondents to give him more options for transfer pursuant to the letter dated 22.03.2019 (Annexure P-3). The petitioner has been given only 12 options as per Annexure P-4. He also states that he is posted in Ambala for 2 ½ years and he has been given only 12 options instead of 19.

At this stage, Ms. Palika Monga, Deputy Advocate General, Haryana, on instructions from Naveen, Assistant, IT O/o Director General, Prison Department, Sector-14 Panchkula, has informed that the petitioner has been posted in District Ambala for a period of 5 years on different occasions. Hence, he has been rightly transferred outside Ambala as per the sub clause (vii) of clause 4 of online transfer policy 2018 (Annexure P-1), whereby the total period of posting of an employee at a Central Jail shall not exceed 05 years in continuation or on different occasions. The same is reproduced as under:-

“(vii) In ordinary course, the total period of posting of an employee at a Central Jail/District Jail/Open Jail/Observation Home etc., located in a district, shall not exceed 05 years in continuation or or different occasions. However, an employee can be transferred back to a Central Jail/District Jail/Open

Jail/Observation Home etc., located in a district, from where he was transferred, on completion of 05 years tenure or earlier due to any reasons, only after a gap of 5 years since the date of his transfer from that district.”

With regard to giving options, learned counsel for the State further submitted that after disposal of ***CWP-32673-2018 Jail Warders Class III Welfare Association V/s. State of Haryana and another***, on 14.03.2019 (Annexure P-2), Jail Warders have been directed to give their options by Saturday evening i.e. 16.03.2019. Learned counsel for the State further informed that it is not the case of the discrimination since 12 options have been given not only to the petitioner but to all the employees and the petitioner has been transferred after 5 years of posting in District Ambala.

No case for interference is made out.

Dismissed.

(RITU BAHRI)
JUDGE

02.05.2019
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No