

Sr. No.131

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

CWP No.12331 of 2019 (O&M)

Date of Decision: 09.07.2019

Sohan Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. M.S.Bajwa, Advocate,
for the petitioner.

Mr. Ashish Rawal, Advocate,
for the respondent-UOI.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to transfer the petitioner to the Border Security Force, Head Quarter, Amritsar from the 118th Battalion on account of medical condition of wife of the petitioner.

2. Learned counsel for the petitioner submits that during most of the service tenure of the petitioner, he remained posted at high altitude areas.

3. Learned counsel for the petitioner submits that due to medical condition of wife of the petitioner while considering the request of the petitioner, respondent No.4 passed the movement order of petitioner on 13.11.2018 (Annexure P-1) in 118th Battalion, which was located at that time in Jalalabad. Petitioner remained

posted and worked at 118th Battalion, Jalalabad.

4. Learned counsel for the petitioner submits that Director General (Head Quarter), Border Security Force, New Delhi has passed an order dated 29.12.2018 (Annexure P-3) directing movement of 118th Battalion (the whole unit) from Jalalabad to Tangdhar, Kupwara Sector, Srinagar.

5. Keeping in view the health condition of wife of the petitioner, he submitted a representation dated 29.03.2019 (Annexure P-4) to respondents No.2 to 5 for transfer from 118th Battalion to Border Security Force, Head Quarter, Amritsar. But the same has not been adverted to till date. Hence, the present writ petition.

6. Notice of motion.

7. On advance service of the petition, Mr. Ashish Rawal, Advocate appears and accepts notice on behalf of the respondent-UOI. He states that as per his instructions, representation was not received by the respondents.

8. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

9. Having heard the learned counsel, I am not inclined to interfere under extra-ordinary writ jurisdiction of this Court, as transfers are matters of administrative exigencies.

10. Confronted with the situation, learned counsel for the petitioner submits that a representation dated 29.03.2019 (Annexure P-4) has already been submitted before the competent

authority and he would be satisfied if the instant writ petition is disposed of with a direction to take a final decision thereupon within a stipulated time frame.

11. Submission made by learned counsel is found to be just and reasonable.

12. Without commenting on the merits of the case, the writ petition is disposed of with an observation that the respondents may sympathetically look into the averments of the representation dated 29.03.2019 (Annexure P-4) along with contentions in the present writ petition by treating the same as supplementary representation and may expeditiously take a final decision in accordance with law.

13. Disposed of accordingly.

09.07.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No