

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-12877-2019 (O&M)
Date of Decision: 16.05.2019

Gurvinder Singh

--Petitioner

Versus

P.R.T.C & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gurinder Singh, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner, who is serving on the post of Superintendent under the respondent-Corporation, has filed the instant petition assailing the order dated 15.1.2019 (Annexure P-3) to the extent he has been transferred from Chandigarh to Patiala.

As per pleadings on record, petitioner had attained the age of superannuation in June, 2018 and on account of suffering from a permanent physical disability element/locomoto disability assessed at 50%, he was granted extension in service for a period of two years.

Counsel very fairly concedes that pursuant to the transfer vide Annexure P-3 petitioner has already joined at Patiala.

Court has further been apprised that the petitioner earlier in point of time had been transferred to Ludhiana on promotion and had joined back at Chandigarh in May, 2018.

Counsel for the petitioner has been heard at length.

Transfer is an incidence of service. Orders of transfer are open to intervention only if they are in violation of any statutory provision/have been passed by an authority not competent to direct such transfer or are vitiated by malafides.

Be that as it may, petitioner is currently on extension and has a service tenure of slightly in excess of one year as of date. The permanent place of residence of the petitioner is stated to be Zirakpur, S.A.S. Nagar, Mohali. The certificate dated 20.3.2015 issued by the P.G.I.M.E.R., Chandigarh (Annexure P-1) reflects the physical, permanent disability of the petitioner to the extent of 50%.

Under such circumstances, while declining to intervene in the matter, liberty is granted to the petitioner to approach respondent no.1. Managing Director, P.R.T.C, Patiala as regards cancellation of his transfer to Patiala and for adjustment at a place close to his permanent residence.

In the eventuality of any such representation being preferred, it would be expected of respondent no.1 to examine the same sympathetically.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2019

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No