

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 15735 of 2019(O&M)
DATE OF DECISION : 20.11.2019

Rohit Sharma

... Petitioner

versus

Union of India & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ankush Chaudhary, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Senior Advocate with
Ms. Anita Balyan, Advocate
for Union of India-respondents.

ARUN MONGA, J. (ORAL)

CM-17363-64 of 2019

Applications are allowed and reply to the application for vacation of stay along with Annexures P-11 to P-16 are taken on record.

CWP NO. 15735 of 2019

1. During the course of hearing, learned counsel for the petitioner has handed over replication along with Annexure P-17, which is taken on record and a copy thereof has been supplied to the opposite counsel.

2. The present petition has been filed, *inter alia*, for issuance of a writ in the name of *certiorari* to quash impugned order dated 01.03.2019 (Annexure P-3), whereby petitioner was transferred to Jodhpur and subsequent transfer order dated 21.05.2019(Annexure P-8) vide which he has been proposed to be transferred to Jaipur.

2. I have heard learned counsel for the parties and have gone

through the paper-book carefully.

3. Transfers being matter of administrative exigencies, normally this Court would refrain from interfering in the same in exercise of extra ordinary writ jurisdiction, unless of course, an extreme case of either hardship or patent illegality is made out.

4. At the time of issuance of notice of motion on 31.05.2019, following order was passed:-

“Learned counsel for the petitioner, inter-alia, contends that the petitioner is serving in Army Dental Corps as Dental Specialist and having rendered 17 years of service, was diagnosed with “Auto Immune Encephalitis”. He had himself medically examined at Army Hospital (Research and Referral) at New Delhi and as per the recommendations of the President of Medical Board, he has been advised monthly review at a Neurological OPD at Army head quarters with further recommendation to be posted to the station with neurological centre.

Learned counsel further contends that vide transfer order dated 21.05.2019 (Annexure P-8) impugned herein, he has been posted to Jodhpur, where the special medical facility, as recommended by the Medical Board, is not available.

Notice of motion.

Ms. Anita Balyan, Advocate has put in appearance on behalf of respondents and seeks time to file reply.

Adjourned to 29.07.2019.

In the meanwhile, operation of the transfer order dated 01.03.2019 (Annexure P-3) read with order dated 21.05.2019 (Annexure P-8), shall remain stayed qua the petitioner only.”

5. Pursuant to the above, return has been filed by the respondents, wherein they have deposed on oath that Neurological Centre in the Armed Forces is available at the following places, as reflected from Annexure R-4:-

- “(a) *AH(R&R) Delhi*
 (b) *BH Delhi*
 (c) *CH(SC) Pune*
 (d) *CH(WC) Chandimandir*
 (e) *CH(CC) Lukhnow*
 (f) *CH(EC) Kolkata*
 (g) *CH(NC)*
 (h) *MH Jaipur.*”

6. In view of aforesaid, the initial impression given to this Court that petitioner was being transferred to Jodhpur where no Neurological Centre exist, seems to be incorrect. Learned Senior counsel representing respondents states that Military Hospital, Jaipur, where the petitioner has been subsequently transferred, is fully equipped to deal with the cases of neurological disorder.

7. No interference is thus called for in exercise of powers under extra ordinary writ jurisdiction. The writ petition is dismissed with liberty to the petitioner to seek appropriate legal remedy in case the neurology Centre at Jaipur is not found well equipped to handle the peculiar condition of the petitioner i.e. Autoimmune encephalitis, as per recommendations of the President of the Medical Board contained at Annexure P-7.

8. Before parting, it is expected of the respondents to give reasonable time to the petitioner to join at Jaipur, preferably a period of four weeks so that he can make necessary arrangements.

(ARUN MONGA)
JUDGE

November 20, 2019

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |