

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17792 of 2019

Date of Decision: July 05, 2019

Pooja

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Pawan Singh Gehlot, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Petitioner has sought quashing of the order dated 29.03.2019 (Annexure P-11) of respondent No.2-Principal Chief Secretary of Forest, Haryana and the previous order dated 29.10.2018 (Annexure P-10), whereby the petitioner has been transferred from the office of Deputy Conservator of Forest, Territorial Division, Hisar, DFO Hisar to DFO Jind, District Jind in Forest Range Safidon as Forest Guard in the Budha Khera Beat, District Jind.

Mr. Pawan Kumar Gehlot, learned counsel representing the petitioner submitted that the petitioner is a married woman of 29 years and mother of two children aged 3 and 5 years. She had joined the Hisar Division Office on 28.01.2015 vide Annexure P-1 and assigned the duty in Division Office for Data Offence Management System and Prosecution Branch vide letter dated 17.03.2015 (Annexure P-3). She was transferred from Sale Branch to FCA Branch, i.e., inter-department transfer vide

Annexure P-5. Forest Online Transfer Policy, 2018 envisaged the transfer within the Forest Division/District after 3 years of posting and Forest Guard is eligible for transfer out District after completion of 5 years service in one District.

Learned counsel further submits that in an identical case, a person who had not completed 5 years and there was a vacant post, this Court had already interfered and while issuing notice of motion granting the interim order. Since the petitioner has not completed 5 years and, therefore, she cannot be transferred in the general transfers.

I am afraid, the aforementioned arguments would not be sustainable as on going through the transfer policy (Annexure P-6), sub-clause (8) of Clause-4 provides that subject to the provisions of the policy, any order of transfer is being passed in either of the exigencies, normal tenure under ordinary circumstances for a government employee at any station/place of posting shall be of nearly 3 years and, further, within any District, it may be extended to a total of nearly 5 years. The same reads thus:-

“(8) Subject to the provisions of this policy and save the situations when it is ordered to be otherwise in case of any Government Employee by authorities competent to order transfers/postings and, as the case may be, save the other exigencies, normal tenure under ordinary circumstances for a Government Employee at any station/place of posting shall be of nearly 3 years and, further, within any District it may extend to a total of nearly 5 years. A Government Employee, in whose case, at the time of the next 'General Transfer' the said 'nearly 3 years' or, as the case may be, the said 'nearly 5 years' gets completed, shall be transferred in the said 'next General Transfer' and thus, shall be eligible to exercise the option as

prescribed in this policy at that time.”

It has been averred that the Government employee, in whose case the station/placing of posting is of nearly 3 years, is entitled to be transferred. The cut off date of nearly 3 years and 5 years has been referred from the noting given in sub-clause (8) of Clause-4, *ibid*.

The transfer under challenge is from one District to another and, therefore, there is no bar of 5 years. Petitioner has already completed 3 years, therefore, sub-clause (8) of Clause-4 has relied upon would not apply.

During the course of hearing, learned counsel for the petitioner has informed that the petitioner though has joined the place of posting on 11.04.2019, but had gone on Child Care Leave, though she has not given the joining, thus, not entitled to interim relief.

No ground for interference is made out. Resultantly, the writ petition is dismissed

July 05, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No