

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

**CWP No.14632 of 2017
Date of Decision :29.04.2019**

Rajesh Kumar

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Harish Rathee, Sr.DAG, Haryana.

B.S. WALIA, JUDGE (ORAL)

1. Instant petition has been filed seeking the issuance of a writ in the nature of Certiorari for setting aside transfer/relieving order Annexure P/3 dated 27.06.2017 on ground of the same being in violation of the transfer policy, besides in derogation of the reason for transfer as contained in transfer order as evident from order Annexure P/2 dated 23.06.2016.

2. Brief facts of the case leading to the filing of the writ petition are that the petitioner was initially appointed as Conductor in the respondent-Department vide order dated 04.04.2012 and joined duty at Faridabad. Thereafter, vide order Annexure P/2 dated 23.06.2016, the petitioner was transferred from Faridabad to Fatehabad and joined at Fatehabad on 01.07.2016. However, vide order Annexure P/3 dated 27.06.2017, the petitioner was transferred from Fatehabad to Chandigarh. Transfer from Fatehabad to Chandigarh has been challenged on the ground that the same is in violation of the transfer policy which provides for a minimum of 2 years stay at a particular station.

3. While issuing notice of motion on 10.07.2017, operation of the impugned order was stayed by noticing that although the petitioner had been transferred from Fatehabad to Chandigarh after 1 year and 4 days after his transfer from Faridabad to Fatehabad, yet the impugned order reflected that the petition had been transferred due to long stay at Fatehabad.

4. Learned Sr. Deputy Advocate General States that as on date the petitioner has continued at Fatehabad for a period of close to 3 years out of which approximately 1 year 9 months is on the basis of order of stay granted by this Court and that the earlier transfer policy has been superseded by the State Transport Haryana Employees Transfer Policy 2018, therefore the petitioners plea no longer survives and his posting would now be considered as per the new policy. Learned counsel for the petitioner states that he does not dispute the aforementioned position but only prays that transfer of the petitioner if required to be made, be done as per the new policy applicable.

5. I have considered the submissions of learned counsel for the parties. In view of the position as noted above, the writ petition is disposed of by granting liberty to the respondents to pass fresh orders qua transfer of the petitioner if so required in accordance with the State Transport Haryana Employees Transfer Policy 2018 framed by the State Transport Department. Posting of the petitioner would be dependent on fresh orders if any passed by the respondents as per policy applicable.

April 29, 2019

ps

(B.S. WALIA)

JUDGE

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