

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

CWP No.19430 of 2019

Date of Decision: July 18, 2019

Rajesh Ruhil & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Mohinder Pal, Advocate,
for the petitioners.

AMIT RAWAL, J. (Oral)

Petitioners, nine in number, alleging themselves to be Junior Engineers, have invoked the extraordinary writ jurisdiction of this Court for quashing of the order dated 18.06.2019 (Annexure P-9), whereby the process for implementation of online transfer policy of Junior Engineers working in Public Health Engineering Department, Haryana, has been initiated.

Mr. Mohinder Pal, learned counsel for the petitioners submitted that as per the transfer policy Annexure P-1 dated 06.03.2018, there are certain parameters, which have to be followed, but have not been adhered to. By pointing out Paragraph 7 of the aforementioned policy dealing with the time schedule, he submitted that the general transfers will be made only once in a year but with the rider that the promotions/direct recruitments can be made any time and transfer of Junior Engineer spouses of employees of Department/Organizations of Government of Haryana or Central Government can also be made on request at any time, but the time schedule is generally in the Month of April of every year and the transfer process is to start in the month of December and complete by the end of March each

year. The process, as per the impugned decision, was initiated in June and, therefore, is against the policy.

I am afraid that the aforementioned policy does not bar for transferring the Junior Engineers at any time. For the sake of brevity, clause (i) of Para 7 of the policy reads thus:-

“(i) Periodicity of the transfers: General transfers will be made only once in a year, or as specifically notified by the Government for a given year. However, transfers/posting necessitated by promotions/direct recruitments, post needed to be filled up in public interest, can be made anytime. Further, the transfer of Junior Engineer spouses of employees of Department/Organizations of Government of Haryana or Central Government can also be made on requests at any time.”

There cannot be any grievance by the petitioners against the action as, according to his submission, they are in the zone of transfer having worked for more than three years. The exigency by the department, particularly when there are elections, can be also one of the grounds for initiation of the process other than one mentioned in the policy, which cannot be questioned and brought under the scope of judicial scrutiny. No ground for interference is made out. Resultantly, the writ petition is dismissed.

July 18, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No