

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No. 1293 of 2019 (O&M)

DATE OF DECISION: 16.07.2019

Pooja

....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Pawan Singh, Advocate for the appellant.

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KRISHNA MURARI, CHIEF JUSTICE: (Oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 05.07.2019 passed by the learned Single Judge dismissing the petition of the appellant challenging her transfer order.

2. The petitioner, a Forest Guard, working in the office of Deputy Conservator of Forest, Territorial Division, Hisar, has been transferred to the office of District Forest Officer, Jind, District Jind, in Forest Range, Safidon vide order dated 29.03.2019.

3. The main ground of challenge raised in the writ petition assailing the order of transfer is that it was against the transfer policy where under a Forest Guard was eligible for transfer out of district after completion of five years in one district. Another ground raised in the writ petition was in respect of certain personal difficulty that would be faced by the appellant-petitioner on account of family circumstances. Learned Single Judge finding that under

the transfer policy normal tenure of a government employee at any station/place of posting is three years and within any district it may be extended to a total five years and the appellant-petitioner was transferred at the present place of working after four years, dismissed the writ petition.

4. Before us also learned counsel for the appellant placed reliance upon the transfer policy to urge that she can only be transferred out of district after completing a tenure of five years.

5. We have considered the arguments advanced and perused the record. The transfer policy which is reproduced by the learned Single Judge in the judgment reads as under:-

“(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.”

6. A perusal of the same clearly goes to show that normal tenure of posting at a place is three years and within any district it could be extended to nearly five years. Thus the policy does not enure to any benefit to the appellant who has completed more than 4½ years of tenure in Hisar from where she has been transferred to Jind. Even otherwise, the appellant is holding a transferable post and transfer is an exigency of service.

7. It is also an admitted case of the appellant-petitioner that she has joined the present place of posting on 11.04.2019 and proceeded on child care leave.

8. In the wake of the facts and circumstances discussed hereinabove, no interference is required in the impugned order. The appeal accordingly fails and stands dismissed.

Civil Miscellaneous Application No. 2804-2019 also stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.07.2019
ravinder

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO