

Sr. No.135

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

CWP No.20043 of 2019 (O&M)

Date of Decision: 23.07.2019

Sunita Kalyan

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. A.K.Walia, Advocate,
for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Grievance of the petitioner is that vide impugned transfer order dated 12.07.2019 (Annexure P-3), the petitioner has been transferred from Jalandhar to Bathinda in violation of the Transfer Policy dated 23.04.2018 in particular Clause 1 (c) thereof which is reproduced hereinbelow for ready reference:-

“Clause 1(c) of the policy provides that a Group A Officer shall not be transferred from a particular station before completion of two years unless the same is in public interest or keeping in view the personal hardship of the officer. It is further provided that such transfer shall be made with the prior approval of the Department of Personnel.”

2. Learned counsel for the petitioner contends that in the present case neither is the transfer on any administrative grounds nor any personal hardship is involved and nor any prior approval

has been sought from the Personnel Department as was required under law. He submits that in fact the transfer order has been passed to accommodate respondent No.3 who wanted to be posted on his Home Town i.e. Jalandhar.

3. Learned counsel for the petitioner further points out that petitioner being a lady officer was transferred to Jalandhar from Amritsar on her request as her husband is currently posted at Ludhiana in close vicinity. He submits that she was not accommodated at Ludhiana earlier owing to the fact that there is another lady who being handicapped was posted at Ludhiana, giving the advantage of physical disability to her.

4. Notice of motion.

5. On advance service of copy of the petition, Ms. Anu Chatrath, Senior Advocate assisted by Ms. Ambika Bedi, Assistant Advocate General, Punjab, appears on behalf of respondents.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the present writ petition is disposed of with a direction to the respondents to objectively consider the representation dated 14.07.2019 (Annexure P-4) and also by keeping in view the contentions stated in this petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

8. Let the needful be done within a period of 30 days from the date of receipt of certified copy of this order.

9. Until the passing of fresh order as aforesaid, the
impugned transfer order dated 12.07.2019 (Annexure P-3) shall be
kept in abeyance qua the petitioner.
10. In case an adverse order is passed, it is expected of the
respondents to give fair opportunity to the petitioner to seek
appropriate remedy and until the same is done, such order would
not be implemented for a period of 30 days with effect from the
date of its passing.
11. Disposed of in above terms

23.07.2019 vandana	(ARUN MONGA) JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No