

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

**CWP-20947-2017 (O&M)
Date of Decision:03.12.2019**

Dr. Arvinder Pal Kaur Gill

... Petitioner

Versus

Punjab State Warehousing Corp. & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sunny Singla, Advocate for the petitioner.

None for the respondents/Corporation.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who was serving on the post of Medical Officer under the Punjab State Power Corporation Limited has filed the instant writ petition assailing the order dated 05.09.2017 (Annexure P-7), whereby she had been transferred from Patiala to Ropar.

Petition had come up for preliminary hearing before this Court on 14.09.2017. While issuing notice of motion, the ground of challenge to the transfer was noticed that as per Transfer Policy as also the appointment letter, petitioner was to serve at a particular place of posting for a period of atleast 2 years but in the facts of the present case, the impugned transfer had been directed merely 4 months after the date of joining. On 14.09.2017, this Court had directed the operation of the impugned transfer order to remain stayed.

Inspite of service having been effected, no representation has been caused on behalf of the respondent/Corporation.

Be that as it may, the petitioner by virtue of the interim order

passed by this Court on 14.09.2017 has now enjoyed a tenure on the post of Medical Officer at Patiala for a period in excess of 2 ½ years.

On the date of passing of the impugned order i.e. on 05.09.2017 (Annexure P-7), there was a clear deviation qua Clause 18 of the appointment letter dated 26.12.2016 (Annexure P-2) and which was in the following terms:

“You will have to serve at present offered place of posting at least for a period of 2 years and no request of any change would be entertained by the Corporation.”

In pursuance to such letter of appointment, petitioner had joined on the post of Medical Officer on 17.04.2017 at Patiala. In terms of Clause 18, petitioner could not, as such, be displaced from Patiala for a period of two years. Yet vide impugned order dated 05.09.2017 (Annexure P-7), she was transferred from Patiala to Ropar.

In view of the above, writ petition is allowed. Impugned order dated 05.09.2017 (Annexure P-7) is set aside.

It is, however made clear that by virtue of setting aside of the transfer order dated 05.09.2017, petitioner would not be vested with a right to continue at Patiala and it would be open for the respondent/Corporation to issue transfer orders afresh in the wake of any administrative exigency.

Writ petition is allowed in the afore said terms.

Pending applications, if any shall also stand disposed of.

At this stage, counsel submits that the petitioner has been denied the salary for a period of 10 days i.e. from 09.09.2017 to 18.09.2017 and that too, without any justifiable basis.

Without going into such issue, liberty is granted to the petitioner to agitate such matter before the Corporation.

Disposed of.

03.12.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |