

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

CWP No.22666 of 2017 (O&M)

Date of Decision.14.08.2019

Laxman Singh

...Petitioner

Vs

Dakshin Haryana Bijli Vitran Nigam and others

...Respondents

Present: Mr. Laxman Singh, petitioner in person.

None for respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

In this case notice of motion was issued on 4.10.2017 but Dakshin Haryana Bijli Vitran Nigam has not filed reply so far.

Prayer in writ petition is for quashing of order dated 22.09.2017 whereby petitioner has been transferred from Hassanpur Palwal to Taoru.

As per contention of petitioner, who appeared in person, he joined respondent Nigam on 15.10.1997 on the post of Assistant Lineman and thereafter became Assistant Foreman (AFM) w.e.f. 15.10.2013. On 13.07.2016 (Annexure P-1) transferred from office of SDO (OP), S/Divn, Hodel to Hathin and after two months from SDO(OP), S/Divn Hathin to Hodel vide order dated 21.09.2016 (Annexure P-2). After completion of nine months, again transferred from Hodel to Hassanpur vide order dated 29.06.2017 (Annexure P-3). When petitioner had completed just three month again vide order dated 22.09.2017 (Annexure P-4) transferred from Hassanpur, Palwal to Taoru, Sohna. The aforementioned transfer is not in accordance with transfer policy, much less, in public interest so that petitioner could be transferred under certain exigencies. Petitioner stated to have submitted representation but no action has been taken. Family is totally

dependent on him as he has two sons and daughter studying in B.Sc. and parents are of old age, thus, impugned order is liable to be quashed.

In the absence of any reply as well as any representation on behalf of respondent Nigam or counsel, I proceed to decide case on merits. It is strange that respondents have not chosen to contest the case by filing reply as notice of motion was issued way back in 2017. Detailed chart showing transfers of petitioner is reproduced herein below:-

Sr. No.	From	To	Office Order No. & Date
1	SDO (OP) S/Divn Hodel	SDO (OP) S/Divn Hathin	163 13.07.2016
2	SDO (OP) S/Divn Hathin	SDO (OP) S/Divn Hodel	254 21.09.2016
3	SDO (OP) S/Divn Hodel, under (OP) Divn, Palwal	SDO (OP) S/Divn Hassanpur under (OP) Divn. Palwal	173 29.06.2017
4	SDO (OP) S/Divn Hassanpur under (OP) Divn. Palwal	SDO (OP) S/Divn Taoru, under XEN (OP), Divn. Sohna	657 22.09.2017

In the absence of any explanation, I am of the view that no public exigency has been expressed supporting case of transfer. In such circumstances, in my view, impugned order was not maintainable in eyes of law and hereby set aside. However, it will not prevent respondents to pass general order of transfer strictly following any policy, if applicable, considering all facts in accordance with law and not in the manner and mode as noticed above.

Writ petition stands allowed in above terms.

(AMIT RAWAL)
JUDGE

August 14, 2019
Pankaj*

Whether speaking/reasonedYes

Whether reportableNo