

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

**CWP NO. 24249 OF 2017
DATE OF DECISION : 02.07.2019**

Satpal

...Petitioner

versus

The Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. D. Bawa, Advocate,
for the petitioner.

Mr. Pawan Kumar Longia, Senior Panel Counsel,
for respondent-Union of India.

ARUN MONGA, J. (ORAL)

1. Under challenge herein is the Posting Order dated 20.10.2017 (Annexure P-11), whereby the petitioner has been transferred to 1061 FW/HQ 24 BRTF/PUSHPAK which is stated to be at Tlangnuam (Mizoram).

2. The primary ground to assail the transfer is that vide Medical Board proceedings Annexure P-3 (colly.), the petitioner has been put in Medical Category- III. As a result thereof, certain restrictions have been put on his employment i.e the petitioner has been medically held to be unfit for High Altitude Area; Extreme Cold Climate Area and Hilly Terrain Area. Notwithstanding, the petitioner has been sent to a high altitude/hilly terrain area which is stated to be at 250 kms from the nearest railway station at Silchor and 41 kms away from Aizawl in the interior of Mizoram.

3. The above factual assertions are seriously controverted vide return affidavit filed during the proceedings. Learned counsel for the respondent-Union of India submits that the place of posting is not in the interior, as stated by the petitioner. The distance between the petitioner's unit/residence, mess and his place of working is only 50 metres. He further submits that adequate medical facility is also available at the unit. It is further submitted that in any case, the petitioner is working as Store Keeper and he has only to supervise the store while sitting in the office and does not involve any combat/field operations.

4. Without going into the rival contentions as stated in the pleadings, I am of the view that the petitioner has already joined at the place of posting pursuant to the impugned order and has been serving there since January, 2018. In the circumstances, there is no scope of interference in the impugned transfer of the petitioner, at this stage.

5. The writ petition is disposed of with an observation that the respondents shall consider the request of the petitioner for change of place of posting sympathetically, keeping in view the medical restrictions imposed upon him as per medical board proceedings contained at Annexure P-3 (colly.) The petitioner is also at liberty to submit fresh representation seeking his transfer.

6. Disposed of in above terms.

(ARUN MONGA)
JUDGE

JULY 02, 2019
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Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No