

Sr. No.145

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

CWP No.22095 of 2019 (O&M)

Date of Decision: 21.08.2019

Balwinder Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Kewal Singh, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Inter alia, contends that the petitioner is slated to retire on 30.04.2020, which is merely eight months from now and yet in violation of the Transfer Policy dated 11.04.2017 (Annexure P-4), he has been transferred from Samrala to Mohali vide order dated 31.07.2019 (Annexure P-3) impugned herein.

2. Learned counsel for the petitioner submits that Transfer Policy clearly states that an employee who is slated to retire within a period of less than two years of service left in his career shall not ordinarily be transferred unless special reasons are made out.

3. He submits that no reasons are made out in the present case.

4. Notice of motion.

5. On advance service of the petition, Ms. Ambika Bedi,

AAG, Punjab appears and accepts notice on behalf of the respondents.

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

7. Since conceded position that emerges from the perusal of the record is that petitioner is slated to retire on 30.04.2020 i.e. within two years, writ petition is disposed of with directions to the respondents to pass appropriate orders after treating the present writ petition as a representation and keeping in view the contentions raised therein and particularly the Transfer Policy, *ibid*.

8. Until passing of the fresh orders, the impugned transfer order dated 31.07.2019 (Annexure P-3), shall be kept in abeyance.

9. In case, respondents feel that administrative exigencies or the special reasons to be recorded by them are of such nature that the petitioner has to be transferred, then the proposed fresh transfer orders shall not be implemented for a period of 15 days in order to enable the petitioner to seek appropriate remedy.

10. Disposed of in above terms.

(ARUN MONGA)
JUDGE

21.08.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No