

Sr. No.244

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

CWP No.22564 of 2019 (O&M)

Date of Decision: 17.12.2019

Malkiat Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. G.S.Bal, Senior Advocate with
Ms. Gursimran Kaur, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J.(ORAL)

1. Petitioner herein seeks issuance of a writ in the nature of certiorari to quash impugned order dated 07.05.2019 (Annexure P-12), whereby the claim of the petitioner for re-transfer to District Ferozepur has been rejected.

2. Placements/Transfers and postings being matter of administrative exigencies, this Court very cautiously interferes, if at all.

3. Concededly, the petitioner was not involved in any delinquency of the kind so as to deserve the punitive transfer as has been done vide order dated 07.07.2017 (Annexure P-1).

4. The said position emerges from the speaking order itself, wherein it has been candidly admitted that the petitioner was rightly exonerated of the delinquency originally suspected of vide the inquiry report furnished by the Inquiry Officer, which has

been reproduced in para 9 of the writ petition.

5. Notwithstanding, the petitioner's transfer order has not been cancelled on the ground that due to shortage of manpower at Mohali, he cannot be sent back to Ferozepur from where he has been transferred.

6. Learned Senior counsel submits that similarly shortage exists in Ferozepur as has been specifically averred by the petitioner in the petition and there is no denial to the same in the corresponding para of the return filed by the respondents.

7. In the premise, the writ petition is disposed of with an observation that the competent authority shall take into consideration the mitigating circumstances as explained by the petitioner in para 14 of the writ petition and take sympathetic view thereof and pass fresh orders.

8. Let the needful be done within a period of 3 months from the date of receipt of certified copy of this order.

9. Disposed of in above terms.

17.12.2019

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No