

CWP-22959-2019

Date of Decision: 28.8.2019

Gurmukh Singh

...Petitioner.

v.

State of Punjab and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE ARUN MONGA.

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

Ms. Anu Chatrath, Senior Advocate assisted by
Ms. Ambika Bedi, Assistant Advocate General, Punjab.

ARUN MONGA, J. (ORAL)

Impugned herein is an order dated 31.7.2019 (Annexure P-9), whereby the petitioner has been transferred from Kapurthala to Mohali. Learned counsel for the petitioner submits that this is the third transfer of the petitioner within a short span of 14 months as prior thereto, the petitioner was transferred from Verka to Tarsika vide order dated 13.4.2018 (Annexure P-1) followed by order dated 8.2.2019 (Annexure P-6) transferring him from Tarsika to Kapurthala. On a query posed by the Court, learned counsel for the petitioner submits that Verka to Tarsika is about 30 kms. away and, therefore, I do not think that effectively the petitioner could have been dislodged from Verka when he was transferred to Tarsika. Further, Tarsika to Kapurthala is about 100 kms. In the premise, the only effectively transfer is from Kapurthala to Mohali vide the order impugned herein.

2. Heard.

3. Transfer being matter of administrative exigencies, Courts generally do not interfere and unless any harsh circumstances are borne out. Transfer is not a punishment but an essential aspect of service, particularly, on a transferable post.

4. In the premise, I am not inclined to interfere in the impugned transfer order in exercise of extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

5. However, the petitioner is not precluded from pursuing his representation dated 5.8.2019 (Annexure P-10) which is stated to have been filed before the appropriate authority after his transfer but no decision has been taken thereon.

6. It would be appreciated if the competent authority passes an order by objectively looking into the contents of the representation dated 5.8.2019 (Annexure P-10), in accordance with law.

7. Disposed of in above terms.

August 28, 2019
gbs

(ARUN MONGA)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No