

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP-23621-2019

Date of Decision: 2.9.2019

Supinderjit Singh (Forester)

...Petitioner.

v.

The State of Punjab and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE ARUN MONGA.

Present: Mr. Pawan Kumar, Advocate for the petitioner.

Ms. Anu Chatrath, Senior Advocate with
Ms. Ambika Bedi, AAG, Punjab.

Mr. Naresh Kaushik, Advocate for the caveator.

ARUN MONGA, J. (ORAL)

The grievance of the petitioner is that despite the fact that he is on extension of one year of service on attaining the age of superannuation on 31.3.2019, he has been transferred vide order dated 12.7.2019 (Annexure P-3) from Incharge Nakodar Range, Division Jalandhar to Incharge Tiger Safari, Ludhiana (Wildlife Division, Phillaur) in complete disregard of the transfer policy dated 23.4.2019 (Annexure P-5) particularly Clause 2(a)(v) which envisages that if any employee who has left with less than two years service to his retirement, then prior to effecting the transfer, he is entitled to be given three options and the transfer has to be done at any one place from the said three options.

2. Learned counsel for the petitioner submits that not only the petitioner was not accorded the benefit of being given three options, even otherwise, he is left with merely nine months in the extended period of

service. He further points out that even on humanitarian grounds, his representations have not been considered by the respondents, wherein, he has stated that his wife is a cancer patient and they are currently residing at Nakodar, where she is undergoing day to day medical treatment.

3. Ordinarily, this Court is mindful of the fact that the transfers being matter of administrative exigencies, no interference should be made in the same unless circumstances of hardship are made out. In the peculiar facts and circumstances of the case, I am of the view that the respondents ought to have considered the representations of the petitioner in accordance with the transfer policy and to pass order thereon before transferring him vide impugned transfer order dated 12.7.2019 (Annexure P-3).

4. In the premise, the writ petition is disposed of with a direction to the respondents to objectively consider the representation dated 31.7.2019 (Annexure P-7) and also by keeping in view the contentions stated in this petition by treating it as a supplementary representation and pass a speaking order, in accordance with the transfer policy dated 23.4.2019 contained at Annexure P-5.

5. Let the needful be done within a period of 30 days from the date of receipt of certified copy of this order.

6. Status quo qua the posting of the petitioner shall be maintained till the passing of the fresh order by the respondents.

7. Disposed of in above terms.

September 2, 2019
gbs

(ARUN MONGA)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No