

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

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**CWP No. 24312 of 2019
Date of decision : 4.9.2019**

Jagdish Singh

.....Petitioner

v.

Punjab & Haryana High Court, Chandigarh and othersRespondents

CORAM:HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. ADS Jattana, Advocate, for the petitioner

RAJIV NARAIN RAINA, J.(ORAL)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of certiorari for setting aside the transfer order of the petitioner dated 26.8.2019 (Annexure P-11), on the ground that he is suffering from Complicated Chronic Disease (CCD).

The medical ground taken against the order of transfer is based on back pain i.e. PIVD (Traumatic) and it has been certified by the Department of Orthopaedical, PGIMER, Chandigarh that the disease comes in the category of Complicated Chronic Disease (CCD). It is very difficult for the petitioner to travel from Sangrur to Ludhiana due to being a chronic patient of back pain. It is therefore urged that the petitioner is facing 3 enquiries at Ludhiana and he has to appear personally in the enquiry proceedings for which he will have to travel long distance.

Another reason for assailing the transfer is that the petitioner has 3 daughters and all are studying in Ludhiana. He is residing in a Government quarter which he may have to vacate on his transfer from Ludhiana to Sangrur.

The petitioner has approached this Court directly and ought to have raised his grievance before the Sessions Division or through proper channel to

the High Court, in view of the decision of the Supreme Court in “Shilpi Bose (Mrs.) v. State of Bihar, AIR 1991 SC 532.”

Accordingly, the petition is disposed of with a direction to respondent No.2 to take a decision on the representation to be filed by the petitioner within 2 days and in case, his medical condition and family's circumstances are such that may call for altering the order, such a decision may be taken.

In case, the transfer is because of administrative reason touching upon the integrity of the petitioner then the authority would not be bound to decide the representation.

The decision be taken within a period of one week of the date when the representation is made and the same be conveyed to the petitioner immediately.

The petitioner states that he is on medical leave. In these circumstances, the petitioner will not be relieved till the date of decision except in case the transfer is for reasons other than administrative ground involving misconduct.

With these directions and observations the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

4.9.2019
Ashwani

Speaking/Reasoned: Yes/No
Reportable : Yes/No