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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO.31442 OF 2019(O&M)

Date of Decision: 31.10.2019

Devender Singh

.....Petitioner

versus

State Bank of India and another

.....Respondents

CORAM HON'BLE MR. JUSTICE ARUN MONGA

Present Mr.Sumit Sangwan, Advocate for the petitioner.

Mr. Ashok Gupta, Advocate for respondents.

ARUN MONGA, J (ORAL)

Prayer in the instant petition is for issuance of a writ in the nature of certiorari for quashing the transfer order dated 22.10.2019 (Annexure P-1) as well as relieving order dated 23.10.2019 (Annexure P-2) vide which the petitioner was transferred from Rewari to Jalandhar and relieved against the transfer policy. In the premise, the petitioner submitted a representation dated 23.10.2019 (Annexure P-9), but the same was not adverted by the respondents. Hence, the writ petition.

2. Transfers being matters of administrative exigencies, this Court generally refrains to interfere in the same unless extreme case of harshness is made out.

harshness and, therefore, I am not inclined to interfere in the extraordinary writ jurisdiction vested under Article 226 of the Constitution of India.

At this stage, learned counsel for the petitioner submits that he would be satisfied if the representation of the petitioner dated 23.10.2019 (Annexure P-9) is considered and disposed of.

4. During the course of hearing, learned counsel for the petitioner, under instructions from the petitioner, who is present in person, submits that the petitioner is willing to give undertaking that immediately after finishing of the academic session (class XII of his daughter) he would be willing to be transferred anywhere.

5. On a query posed by the Court, learned counsel for the petitioner submits that even though petitioner has been formerly relieved from his posting at Rewari but no successor has yet joined and the post is lying vacant.

6. Notice of motion.

7. On advance service of the petition, Mr. Ashok Gupta, Advocate appears and accepts notice on behalf of the respondents.

8. 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.

9. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents to pass

fresh order within a period of four weeks' by taking into

consideration and by keeping in mind the clause (IV-C) of the Transfer Policy which envisages that ordinarily transfer should not be ordered during the mid academic session and also by keeping in view the contents of the present writ petition by treating it as a supplementary representation.

10. In the present case, daughter of the petitioner is stated to be in class XII and the academic session is slated finishing sometime in March 2020 which is only 3/4 months away. In the premise, the petitioner shall be allowed to continue at Rewari till passing of the fresh order.

31.10.2019
mamta

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No