

Sr. No.125

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

CWP No.34908 of 2019 (O&M)

Date of Decision: 02.12.2019

Resham Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Alisha Arora, Advocate,
for the petitioner.

Mr. P.S.Bajwa, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

1. Grievance of the petitioner is that vide impugned transfer order dated 19.11.2019 (Annexure P-9), the petitioner has been transferred from Lambi to Ropar in violation of the Transfer Policy dated 23.04.2018 (Annexure P-10).

2. Ordinarily, this Court is cautious that transfer being matter of administrative exigencies should not be interfered with unless, there is a glaring irregularity.

3. Learned counsel for the petitioner points out that in violation of Transfer Policy dated 23.04.2018 (Annexure P-10), the petitioner, who is serving as Panchayat Secretary has been transferred as many as 9 times in a short span of less than 2 years i.e. from Lambi to Phool on 22.06.2017; Phool to Nurpur Bedi on 14.08.2017; Nurpur Bedi to Jaitu on 19.09.2017; Jaitu to Pakhowal on 10.01.2018; Pakhowal to Sangat on 18.05.2018; Sangat to Jaitu on

29.08.2018; Jaitu to Lambi on 08.07.2019; and finally Lambi to Ropar vide order dated 19.11.2019 impugned herein.

4. Notice of motion.

5. On advance service of the petition, Mr. P.S.Bajwa, Additional A.G., Punjab appears and accepts notice on behalf of the State.

6. While, I am in agreement with the contention of learned State counsel that simpliciter violation of Transfer Policy does not give any vested right to seek its enforcement as the guidelines as contained in the said policy are merely directory in nature and not mandatory. However, the same would not necessarily mean that the guidelines are not to be adhered, unless, of course, there is a reason not to adhere to the same.

7. No reasons are coming forth from the transfer order impugned herein.

8. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

9. Without commenting on the merits of the case, the present writ petition is disposed of with a direction to the respondents to objectively consider the representation dated 20.11.2019 (Annexure P-13) 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 law.

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

11. Until the passing of fresh order as aforesaid, the impugned transfer order dated 19.11.2019 (Annexure P-9) shall be kept in abeyance qua the petitioner.

12. In case, any adverse order is passed qua the petitioner, it is expected of the respondents to give reasonable opportunity to him to seek appropriate remedy qua the same before implementing it.

13. Disposed of in above terms.

02.12.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No