

(132) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.36922 of 2019
Date of decision: 19.12.2019

Surender Kumar ... Petitioner

Versus

State of Haryana and Ors. Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Saurabh Dalal, Advocate for the petitioner.

B.S. WALIA, J. (Oral)

[1] Grievance of the petitioner is against his transfer from Sonapat to Panchkula in violation of transfer policy vide order Annexure P-1 dated 14.12.2019.

[2] Learned counsel contends that the petitioner has been transferred seven times in the last five years and not allowed to complete period of three years. Learned counsel further states that the petitioner's son suffered from a major cardiac problem and is admitted at PGIMS Rohtak and is not allowed to move out and exert, and, there is no other person to take care of his ailing son. Therefore, in the circumstances, the petitioner be allowed to continue at his present place of posting.

[3] On query, learned counsel contends that the petitioner has not submitted any representation in this regard but the petitioner would be satisfied, if the writ petition is disposed of by granting liberty to the petitioner to file a representation with a direction being issued to respondent

No.2 to consider and decide the same taking into account all aspects of the matter.

[4] Notice of motion.

[5] Mr. Harish Rathee, Sr. DAG, Haryana accepts notice and states that he has no objection to the limited prayer made by learned counsel for the petitioner.

[6] Without commenting on the merits of the claim or the entitlement of the petitioner to the relief claimed, the writ petition is disposed of by granting liberty to the petitioner to submit a representation to respondent No.2 within three days from the date of receipt of certified copy of this order. In case of receipt of representation in the manner stipulated above along with certified copy of the order, respondent No.2 shall consider and decide the same in accordance with law within one week thereafter. Till such time the decision is taken on the representation in case of submission of the same within stipulated period of time, the petitioner shall be allowed to continue at his present place of posting. However, further decision with regard to continuance at the present place of posting or elsewhere would be subject to the outcome of the decision to be taken by respondent No.2.

(B.S. Walia)
Judge

19.12.2019
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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |