

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.37665 of 2019

DATE OF DECISION: DECEMBER 27, 2019

DEEP CHAND

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SANDEEP SHARMA, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

Deep Chand has filed this writ petition under Article 226 of Constitution of India to challenge his transfer order dated 18.12.2019 (Annexure P-3). The petitioner is working as Transport Inspector.

Learned counsel for the petitioner contends that the petitioner has been transferred from Regional Transport Authority, Ambala to the office of Transport Commissioner, Haryana, Chandigarh, through the impugned order dated 18.12.2019, in violation of the policy dated 6.10.2004 (Annexure P-1) issued by the State of Haryana. He has invited the attention of the Court to the said policy to contend that as per the same, a minimum period of 2 years is required to be completed before an employee is transferred. He contends that the petitioner has only served for a period of 1 year and 2 months, therefore, the transfer is bad and warrants interference by this Court.

Except the above, no other point was argued.

After hearing learned counsel for the petitioner, this Court finds

that the said clause in the policy is not an absolute rule, but subject to exceptions, as contained in it. Further, it is clearly mentioned in the said Policy that the guidelines are subject to the Government's right to transfer an employee in relaxation of the transfer or any other Policy/Policies, when it is in public or administrative interest. A perusal of the order reveals that the petitioner is not the only Transport Inspector who has been transferred, as the impugned order pertains to the transfer of other Transport Inspectors also. It may be added here that distance between Ambala and Chandigarh is short and considering the connectivity of the towns, the travel time is also convenient.

In view of the above, this Court does not find any reason to invoke the extra-ordinary writ jurisdiction to interfere with the impugned transfer order (Annexure P-3).

Petition is dismissed.

December 27, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No