

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

CWP No.441 of 2020
Date of decision: 22.01.2020

Anil Sheoran

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Senior Advocate,
with Mr. Sandeep Dhull, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. S.S. Salar, Advocate,
for respondent No.3.

Ritu Bahri, J. (oral)

Vide order dated 13.12.2019 (Annexure P-1), petitioner was transferred from Kaithal Range to Panchkula. Vide this order, respondent No.3-Rakesh Kumar, Forest Ranger, was transferred from Panchkula to DFO, Training, Pinjore. Now, within a period of one month, vide impugned order dated 06.01.2020 (Annexure P-5), petitioner has been again transferred from Panchkula to Ambala and respondent No.3-Rakesh Kumar has been retained in Panchkula.

Grievance of the petitioner is that respondent No.3-Rakesh Kumar was posted in Panchkula in May, 2016 and vide order dated 13.12.2019 (Annexure P-1), he was rightly transferred from Panchkula to Pinjore after spending period of 03 years at that station.

The only stand taken by respondent No.2-Principal Chief

petitioner was transferred from Kaithal to Panchkula as he had completed more than two years of service at Kaithal and hence, he cannot claim that his transfer was made in violation of the transfer policy dated 06.10.2004.

Transfer Policy dated 06.10.2004 has been placed on record as Annexure P-3. As per condition No.1 of this policy, an employee may not be transferred out of his current place of posting before he has completed two years at that post, except the compelling administrative reasons. In the written statement, respondents has specifically stated that the transfer policy dated 06.10.2004 (Annexure P-3) was framed for the transfers made during the year 2004-2005. Hence, the petitioner cannot take benefit of this policy. The respondents are justifying the transfer of the petitioner from Kaithal to Panchkula. If this stand is accepted, the transfer order of respondent No.3- Rakesh Kumar could not be cancelled vide impugned order dated 06.01.2020 (Annexure P-5).

In view of the above, this petition is allowed and impugned order dated 06.01.2020 (Annexure P-5) qua the present petitioner is set aside. A direction is given that the petitioner shall remain posted in Panchkula as per order dated 13.12.2019 (Annexure P-1) and shall not be transferred before completion of two years at that station.

22.01.2020
ajp

(RITU BAHRI)
JUDGE

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