

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

CWP No.1298 of 2020
Date of Decision : 17.01.2020

Rajeev Sharma

...Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Ashok Kaushik, Advocate for the petitioner.

B.S.WALIA, J. (Oral)

1. Prayer in the writ petition is for the issuance of a writ of Certiorari for quashing order Annexure P/2 dated 15.01.2020, transferring the petitioner within 12 days of his posting at Gurugram vide order Annexure P/1 dated 03.01.2020.

2. Learned counsel contends that the petitioner was promoted from the post of Resident Audit Officer, Municipal Council, Nuh, to the post of Deputy Director and posted as such under the Resident Audit Scheme of Municipal Corporation, Gurugram vice respondent No.3, who was holding the post of Resident Audit Officer. However, barely twelve days, thereafter order Annexure P/2 dated 15.01.2020, was passed transferring the petitioner to Sonapat while respondent No.3, who had been relieved from Gurugram on the petitioner joining at Gurugram pursuant to order Annexure P/1 has been posted back at Gurugram without there being any mention in order Annexure P/2 of the transfer being in public interest. Moreover, the petitioner's wife is serving as Science Mistress at Palwal, which is

nearer to Gurugram in comparison to Sonapat. Learned counsel contends that the impugned order transferring the petitioner to Sonapat is on wholly extraneous consideration, therefore, unsustainable.

3. Notice of motion to respondent Nos.1 and 2 only. Mr. Harish Rathee, Sr. DAG, Haryana, accepts notice. Learned Sr. DAG states that grievance of the petitioner is misconceived since the transfer has been made on account of administrative exigencies and at best the petitioner if so advised may submit a representation to respondent No.1, who would consider and decide the same in accordance with law, within such time as is granted by this Court.

4. Without commenting upon 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 qua his grievance which is the subject matter of the writ petition to respondent No.1 by 21.01.2020. In case any such representation is submitted, respondent No.1 shall consider and decide the same within one week thereafter, in accordance with law, after taking into account all aspects of the matter. Till such time that decision is taken on the representation, respondent No.1 may consider retaining the petitioner at his present place of posting.

5. As requested, a copy of this order be given *dasti* to learned counsel for the petitioner, under signatures of the Bench Secretary.

(B.S.WALIA)
JUDGE

17.01.2020.

rajesh.k.khurana

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No