

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 265 of 2020 (O&M)

Date of decision: 02.03.2020

Resham Singh

... Appellant

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. N.P.S, Mann, Advocate,
for the appellant.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed against an order dated 25.2.2020, passed in CWP No. 4980 of 2020, whereby the writ petition filed by the petitioner against an order dated 8.2.2020 passed by the respondent authorities, rejecting his representation against his transfer from Panchayat Samiti Lambi, District Sri Muktsar Sahib, to Panchayat Samiti, Ropar, pursuant to an order dated 19.11.2019, has been dismissed.

Learned counsel for the appellant submits that learned Single Judge has failed to appreciate the fact that the appellant was transferred more than nine times in a short span of 2½ years after 2017, and has only taken into account the fact that appellant remained posted at Panchayat

Samiti Lambi, for a long period of almost 10 years, while dismissing the petition. Further, the learned Single Judge failed to take note of the fact that even the Director, Rural Development and Panchayats Department, Punjab, overlooked this aspect, while considering the representation of the appellant and passing an order dated 8.2.2020. Thus, in such circumstances, the impugned order, transferring the appellant-petitioner from Panchayat Samiti Lambi to Panchayat Samiti Ropar, dated 19.11.2019, deserved to be quashed.

We have heard the learned counsel for the appellant and perused the records.

It is not disputed that the appellant remained posted at Panchayat Samiti Lambi from 12.7.2007 to 21.6.2017, and thereafter, he has been transferred nine times, last transfer being from Panchayat Samiti Lambi to Panchayat Samiti Ropar on 19.11.2019. From a perusal of order 08.2.2020, it is also evident that the Director, Rural Development and Panchayats Department, Punjab, rejected the representation of the appellant against the order dated 19.11.2019, for he was posted at Panchayat Samiti Lambi for a long period of almost 10 years, i.e. from 12.7.2007 to 21.6.2017, and, therefore, permitting him again to remain at Panchayat Samiti Lambi would not be in public interest. In the circumstances, we are of the considered opinion that the order rejecting the petitioner's representation, dated 8.2.2020, and impugned order passed by the learned Single Judge, do not suffer from any perversity requiring interference by the Court. We, therefore, dismiss the appeal and uphold that order, rejecting the petitioner's representation, and also affirm the order dated 19.11.2019, vide which he was transferred from Panchayat Samiti Lambi to Panchayat Samiti Ropar.

However, while dismissing the appeal, we deem it appropriate to observe that the State, while making further transfer in respect of the appellant-petitioner or passing any order, which may result in frequent transfers, shall take into consideration his past records as also the transfer policy.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 02, 2020
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO