

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9273-2020 (O&M)
Date of Decision: 04.08.2020

Harjit Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

The case is taken up for hearing through Video Conferencing.

The petitioner has sought a writ of Certiorari for quashing the order dated 11.02.2020 (Annexure P.5) passed by respondent No.2, whereby the petitioner has been transferred from Government Elementary School, Dhakowal to Government Elementary School, Ajram, District Hoshiarpur.

As the petitioner asserts in the writ petition that the place of transfer is 60-65 Km away from his present place of posting, this Court, on 07.07.2020, passed the following order:-

“Case is being taken up for hearing through video conferencing.

At the outset, learned counsel for the petitioner prays for time to file an affidavit to authenticate the plea taken by him in the petition that the distance between villages Dhakowal and Ajram is 60-65 kilometer.

On his request, adjourned to 04.08.2020.”

Today, the petitioner has filed CM-7197-2020 stating therein that the petitioner had wrongly mentioned the distance between the aforesaid two stations as 60-65 Km and as a matter of fact the same is 12-15 Km. It is further stated that the contents regarding the distance being 60-65 km were taken from para No.3 of the earlier writ petition i.e. CWP-8906-2019, which was disposed of on 07.05.2019.

Learned counsel appearing for the petitioner contends that the petitioner has been transferred fourth time within a span of 2-1/2 years and such transfer is against the transfer policy of the Government of Punjab.

However, I do not find any merit in the present writ petition for more than one reason. For one, the transfer is a service element and the administrative authority has a competence to effect such transfer keeping in view exigencies therefor.

Secondly, the petitioner has made wrong assertions as regards the distance between the two stations i.e. Dhakowal and Ajram. Though the petitioner has stated by way of a Civil Misc. Application that such contents were made mistakenly while copying the same from the earlier petition, yet the fact remains that he has pleaded in the body of the petition that vide the transfer order, he has been transferred to a far off place. The petitioner is a Teacher and he is not supposed to make a false and incorrect statement.

As per the details given in the memo of parties, the petitioner is resident of village Harkhowal, Tehsil and District Hoshiarpur. Dhakowal, the place, where he was earlier posted,

is at a distance of 1-2 Km from Harkhowal. Thus, the distance between his village and the new place of posting is about 15-16 Km. Thus, it cannot be said that the petitioner has been transferred to a far off place.

In view of the above, the present writ petition is dismissed with costs of Rs.10,000/- to be deposited with the Poor Patient Welfare Fund of PGIMER, Chandigarh.

04.08.2020
ds

(HARNARESH SINGH GILL)
JUDGE

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