

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

CWP No. 13879 of 2020
Date of decision: 08.09.2020

107

Dinesh Kumar

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms. Parminder Kaur, Advocate,
for the petitioner.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India for quashing the transfer order dated 18.08.2020 (Annexure P-1). Vide the said order, the petitioner, who is working as a Driver, is one of the employees who has been transferred from Delhi to Karnal.

Counsel for the petitioner has submitted that a representation dated 19.08.2020 has been filed as such (Annexure P-4) with respondent no. 3 with a copy to respondent no. 2 bringing out the hardships the petitioner would suffer in case the transfer order is implemented.

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana accepts notice and submits that there are no mala fides as such in the transfer order and, therefore, the transfer order is not liable to be interfered with, as it is due to administrative exigencies.

It is settled principle that this Court would not interfere in the transfer orders till the mala fides or violation of statutory Rules of policy are made out. Since the petitioner has already filed representation dated 19.308.2020 (Annexure P-4) pointing out the difficulties that he would face on account of his retirement, specially keeping in view the fact that he is 57 years of age and is due to retire in 17 months, this Court is of the opinion that respondent no. 2 should take a decision on the said representation within a period of 2 weeks from today. In case the petitioner's request is to be declined, let a reasoned order be passed by the said respondent and communicated to him.

Writ petition stands disposed of in the above terms.

08.09.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No