

116.

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

CWP-14699-2020

Date of decision:18.09.2020.

RAJBIR SINGH

... Petitioner

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Aman Dhir, Advocate, for the petitioner.

Ms. Anu Chatrath, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner, who is working as ASI with the Punjab Police, has filed the present petition under Articles 226/227 of the Constitution of India so as to quash the order of transfer dated 01.09.2020 whereby he has been transferred from Faridkot Range (District Sri Muktsar Sahib) to Commissionerate of Police, Ludhiana.

Counsel for the petitioner submits that son of the petitioner is suffering from 75% mental retardation and a special child. He has referred to Annexure P-9, a certificate issued by Civil Surgeon, Muktsar, dated 05.01.2011 to support his contention. He states that considering the physical disability of the son of the petitioner, the transfer of the petitioner be cancelled, so that he can attend his special child.

The case was listed yesterday and was adjourned for today enabling the State counsel to seek instructions in the case.

Learned State counsel submits that though the petitioner has no right to seek posting on a particular station of his choice, as transfer of an employee is an incident of service. However, in the background of the case that the son of the petitioner is mentally retarded, let the petitioner submit a representation to the competent authority highlighting his grievances and the department shall take note of such hardships of the petitioner, so projected.

Heard.

Without making any observation as regard the claim of the petitioner, but considering the fact that the son of the petitioner is stated to be mentally retarded as is evident from Annexure P-9, the present petition is disposed of with a direction that in case the petitioner submits a representation highlighting his grievances, this Court has no doubt in its mind that the case of the petitioner would be considered by the authorities sympathetically.

However, it is made clear that under the garb of this order, the petitioner should not stick to a particular station. Considering the health condition of the son of the petitioner, the DGP shall make an endeavour for his posting in Faridkot Range.

It is further made clear that the petitioner would not be entitled to take any benefit of this order in future, as this intervention is made in the given circumstances including Covid-19 epidemic situation.

In case the petitioner submits representation within two working days from today, the DGP shall decide the same within another 7 days thereafter.

Disposed of.

(HARI PAL VERMA)
JUDGE

18.09.2020
sanjeev

Whether speaking/reasoned	Yes/No.
Whether Reportable:	Yes/No.