

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

Through Video Conferencing

112

CWP-19037-2020

Date of Decision : November 10, 2020

ANU SHARDA

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Rupinder Khosla, Sr. Advocate with
Mr. Tribhawan Singla, Advocate
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

Mr. Sidharth Gupta, Advocate
for respondent No.4.

NIRMALJIT KAUR, J. (Oral)

The present writ petition has been filed for issuance of writ in the nature of Certiorari quashing the order dated 5.11.2020 passed by respondent No.1 transferring the petitioner from Government Ayurvedic Dispensary, Punjab Civil Secretariat-1, Chandigarh to Government Ayurvedic Dispensary, Jhanjheri, SAS Nagar on the ground that the same is in violation of the transfer policy dated 23.4.2018 and the subsequent instructions dated 12.9.2020 issued by the State of Punjab.

As per the policy dated 23.4.2018 (Annexure P-1) and letter dated 12.9.2020 (Annexure P-3), no transfer or posting shall take place till 31.3.2021 unless the transfer is made due to unavoidable reason after taking approval from Hon'ble Chief Minister.

Ms. Anu Pal, learned DAG, Punjab on instructions from Ms.Poonam, Director, Ayurvedic Dispensary, Punjab states that the necessary approval was taken from Hon'ble Chief Minister and, therefore, the transfer is in accordance with the policy applicable.

However, learned counsel for the petitioner as well as learned counsel for respondent No.4 agree that the present writ petition can be disposed of with a direction to the respondents to keep the impugned order of transfer dated 5.11.2020 in abeyance till 31.3.2021, subject to the petitioner giving an undertaking that she will comply with the transfer order after 31.3.2021 as the said ground mentioned in the writ petition will be no more available on the said date.

The writ petition is, accordingly, disposed of in the above terms.

However, the petitioner is at liberty to file a representation meanwhile being a couple case in accordance with law and the present order of abeyance or undertaking will not come in the way of recalling the transfer order, if so warranted. If the representation is rejected, the petitioner will comply with the transfer order dated 5.11.2020 immediately after 31.3.2021.

November 10, 2020
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(NIRMALJIT KAUR)
JUDGE

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