

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

**CWP No.20007 of 2020
Date of Decision: 25.11.2020**

Gurinderbir Singh

...Petitioner

Vs.

Punjab State Warehousing Corporation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Vivek Salathia, Advocate,
for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India seeking issuance of a writ in the nature of certiorari to quash the transfer order dated 17.11.2020 (Annexure P-1) qua the petitioner, vide which he has been transferred from State Warehousing Corporation, Fatehgarh Churian to District Office, State Warehousing Corporation, Hoshiarpur.

2. Learned counsel for the petitioner submits that petitioner is suffering from 67% permanent disability. He has been transferred from Fatehgarh Churian to Hoshiarpur, which is approximately 120 Kms. from his residence.

3. Learned counsel for the petitioner contends that impugned order has been passed in violation of the transfer policy which *inter alia* envisages that petitioner being handicapped has to be given 3 options of the likely places where he is to be transferred. Also, his grievances have to be looked into, before being transferred.

4. That apart, impugned transfer order is in contravention of Policy Instructions dated 05.09.2002 (Annexure P-3) and in violation of Provisions of The Person With Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995, contends the counsel.

5. Learned counsel for the petitioner further submits that transfer order was communicated to the petitioner on 20.11.2020, he immediately approached the office of respondent No.2 for redressal of his grievance. Learned counsel submits that now respondents are compelling him to join his new place of posting and in case he does not join, he would be treated as absent and his salary would be stopped and departmental action would be initiated against him. Hence, the instant petition.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents, therefore no notice is being issued to the respondents.

6. Without commenting anything on the merits of the case, the writ petition is disposed of with a direction to the competent authority to objectively consider the representation dated 20.11.2020 (Annexure P-5), which is stated to have been filed and is pending till date. Contentions in the present petition would also be gone into by treating those as supplementary representation. Fresh decision be taken by passing a speaking order, in accordance with law.

7. It is expected of the competent authority to dispose of the pending representation as expeditiously as possible but not later than 8 weeks from today. Till passing of the fresh order, impugned transfer order shall remain stayed qua the petitioner.

8. With the aforesaid observations, the writ petition stands disposed of.

NOVEMBER 25, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable

Yes/No
Yes/No