

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

CWP No.22409 of 2019
Date of decision: 03.03.2020

Dharam Singh		Petitioner
	Versus	
State of Haryana and others		...Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

Present: Mr. Johan Kumar, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. Walia, J. (Oral)

Prayer in the petition under Article 226/227 of the Constitution of India is for the issuance of writ of certiorari for setting aside order Annexure P-2 dated 13.08.2019 passed by respondent No.1 transferring him from Municipal Corporation, Faridabad to Municipal Council, Bahadurgarh District Jhajjar, contrary to the provisions of Haryana Municipal Corporation Act, 1994 and Haryana Municipal Corporation Employees (Recruitment & Conditions) Services Rules, 1998.

2. While issuing notice of motion on 22.08.2019 for 21.02.2020, interim stay of impugned order dated 13.08.2019 was ordered. Learned counsel contends that the petitioner is to retire from service in April, 2020 and as per instructions Annexure P-4 dated 07.04.1989 as amended on 19.11.1998, the maximum tenure of five years for which an employee can be allowed to remain at a station is not applicable in the case of employees who are due to retire within one year and that in the circumstances, the petitioner be allowed to continue at the present place of posting i.e Faridabad.

3. Reply has not been filed.
4. Learned Sr. DAG, Haryana, has not seriously opposed the prayer on behalf of the petitioner for the petitioner being allowed to continue at his present place of posting till his retirement in April, 2020.
5. In the light of the position noted above and without commenting upon the merits of the controversy, the writ petition is disposed of by allowing the petitioner to continue at the present place of positing i.e. Faridabad till his superannuation in April, 2020.

March 03, 2020
ps

(B.S. WALIA)
JUDGE

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