

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

Sr. No.126

CWP-22443-2020 (O&M)
Date of decision : 23.12.2020

Harinder Singh Chahal

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Dhiraj Chawla, Advocate, for the petitioner.

SUDHIR MITTAL, J.

The petitioner has challenged order dated 18.12.2020 (annexure P-4), whereby, he has been transferred from Amritsar to Tarn Taran.

It is submitted that vide order dated 12.9.2020 (annexure P-3), the State had taken a policy decision on imposing a ban on transfers till 31.3.2021 because of ongoing Covid-19 pandemic. The ban was, however, relaxable, in case, orders have been obtained from Hon'ble Chief Minister himself. The order dated 18.12.2020 does not show that permission of the Hon'ble Chief Minister had been obtained and thus, the same is illegal.

Further, it has been argued that the petitioner is being penalized because he is carrying out a demolition drive within the jurisdiction of Town Improvement Trust, Amritsar, as is evident from office order dated 4.12.2020 (annexure P-1). A similar case i.e. CWP-21248-2020 titled as Rajiv Kumar Vs. State of Punjab and others, is pending consideration of this Court and thus, the impugned order deserves to be stayed.

Notice of motion.

Ms. Anu Chatrath, Addl. AG, Punjab, accepts notice and waives service and submits that the transfer file of the petitioner has been

perused by her and from the same, it is revealed that before passing of order dated 18.12.2020 (annexure P-4), approval of Hon'ble Chief Minister was obtained.

In view of the aforementioned submission, the order cannot be said to be violative of communication dated 12.9.2020 (annexure P-3).

Argument that the transfer is actuated by mala fides is not substantiated. Merely because, the petitioner has issued an office order dated 14.12.2020 (annexure P-1) would not show that the Government is acting in mala fide manner. Pendency of CWP-21248-2020 also would not help the case of the petitioner as the facts of that case are not before me. May be in the said case, the approval of Hon'ble Chief Minister had not been obtained and thus, the same may have been entertained.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

23.12.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No