

IN THE HIGH COURT OF PUNJAB ANDHARYANA AT
CHANDIGARH

CWP No. 25668-2019
Date of decision:-30.01.2020

Sombir

.....Petitioner

vs.

State of Haryana and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Randhir Singh, advocate
for State of Haryana

RITU BAHRI, J.(Oral)

C.M. No. 1445-2020

Application is allowed as prayed for.

Accordingly, replication/rejoinder to short reply filed by respondent
Nos. 1 and 2 by the petitioner, is taken on record.

C.W.P No. 25668-2019

Petitioner has filed the present petition challenging order dated
06.09.2019 (P-1), vide which the transfer order dated 29.08.2019 and relieving
order dated 07.09.2019 (P-2 and P-4) has been cancelled.

On 12.09.2019, this Court passed the following order:-

*“Inter-alia contends that the petitioner, vide order dated
29.08.2019 (Annexure P-2), was transferred from Bahawar to Lahli,
but vide impugned order dated 06.09.2019, the said order of transfer
has been cancelled without assigning any reasons. In support of the
aforementioned contention, relies upon the ratio decidendi culled out
in Jay Nandan Kumar Singh Versus Jharkhand Bijli Vitran Nigam
Limited, Dhurwa & Ors., 2017(4) J.C.R. 569.*

Notice of motion for 30.01.2020.

*Till the next date of hearing, there shall be interim stay of
impugned order Annexure P-1.*

Mr. R.K.Doon, learned Assistant Advocate General, Haryana

accepts notice on behalf of respondent Nos.1 to 3 and seeks time to file reply.

Learned counsel for the petitioner is directed to supply requisite number of copies of the paper book to the learned State counsel during the course of the day.”

On notice of the petition, a short reply has been filed by respondent Nos. 1 and 2 wherein the respondents have taken a stand that the petitioner was transferred from GGMS Bahawar, Sonipat to GSSS Lahli, Rohtak against longer stayee Sh. Bharat Bhushan vide order dated 29.08.2019 under transfer policy of 2010-11. The said transfer was made in compliance of order of the Government. By way of exhausting remedy available under Clause 6 of transfer policy 2010-11, it was necessary for the petitioner to approach/represent the Directorate or concerned Director within 15 days of such transfer before approaching the High Court. Thus, the claim of the petitioner is not maintainable.

The transfer policy (P-5) is not applicable in the facts of the present case. The original transfer order was as per policy and keeping in view the longer stay of the petitioner as well as private respondent on their respective stations. Clause 6 of the policy is not applicable in the present case as the same is not a transfer order in violation of the policy or guidelines.

In view of the above factual position, the present writ petition is allowed and order dated 06.09.2019 (P-1) qua petitioner is set aside.

30.01.2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No