

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

205

CWP No.27841 of 2019 (O&M)

Date of Decision : 11.02.2020

Jaiveer

....Petitioner

v/s

State of Haryana and others

....Respondents

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

Present: Mr. Sandeep Thakan, Advocate for the petitioner.
 Mr. Harish Rathee, Senior DAG, Haryana.
 Mr. Nikhil Chopra, Advocate for respondent Nos.2 & 3.
 Mr. J.P. Jangu, Advocate for respondent No.4.

B.S. Walia, J. (Oral)

[1] Challenge is to transfer of the petitioner as ordered vide Annexure P-3 dated 18.09.2019, allegedly on the ground of being in violation of the transfer policy.

[2] Learned counsel for the petitioner contends that the petitioner, was transferred from Rohtak to Karnal within 01 year and 03 months of promotion at Rohtak, contrary to the transfer policy.

[3] While issuing notice of motion, interim stay of transfer order, as well as against relieving the petitioner was granted in favour of the petitioner.

[4] Learned counsel for respondent Nos.2 & 3 contends that transfer of the petitioner was ordered in public interest, therefore, the challenge is misconceived and at best the petitioner could have made a representation for sympathetic consideration of his claim for being allowed to continue at Rohtak.

[5] Faced with the aforementioned submission, learned counsel for the petitioner prays for permission to withdraw the writ petition, with liberty to file a representation for being allowed to continue at Rohtak.

[6] Without commenting on the merits of the controversy or the entitlement of the petitioner to the relief claimed, the writ petition is ***disposed of*** by granting liberty to the petitioner to file a comprehensive representation within 10 days from today. In case, any such representation is received by respondent No.3 within the period of time as stipulated above, the same be considered and decided as per rules/regulations and policy applicable, as expeditiously as possible, preferably within a period of 02 weeks thereafter. Till such time, that decision is taken on the representation submitted by the petitioner, the petitioner shall be allowed to continue at his present place of posting. Further continuation of the petitioner at Rohtak or transfer elsewhere would depend on the decision taken by the competent authority on the petitioner's representation. It is made clear that in case representation is not filed within the stipulated period of time, interim protection would stand vacated.

(B.S. Walia)
Judge

February 11, 2020
'Rajneesh'

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