

(201) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.36207 of 2018
Date of decision: 10.02.2020

Rajbir (Junior Engineer-I) Petitioner

Versus

State of Haryana and Ors. Respondents

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

Present: Mr. Mohnish Sharma, Advocate for the petitioner.
Mr. Harish Rathee, Sr. DAG, Haryana.
Mr. Hitesh Pandit, Advocate for respondent Nos. 2 to 4.

B.S. Walia, J. (Oral)

[1] Challenge in the writ petition is to the transfer order, Annexures P/6 and P/7 dated 11.12.2018 allegedly in violation of the transfer policy, Annexure P/8 dated 21.02.2018 and office order, Annexure P/9 dated 06.11.2017.

[2] Learned counsel for the petitioner contends that the Controlling Authority for the post of Junior Engineer-I is the Chief Engineer in terms of order, Annexure P/9 dated 06.11.2017 whereas the impugned order, Annexure P/6 dated 11.12.2018 has been passed by the Executive Engineer, (Operation Division), UHBVN, Sonapat (respondent No.4) without approval of the Managing Director, besides, the petitioner has been transferred six times in a span of two and a half years.

[3] While issuing notice of motion on 19.12.2018, status quo with regard to the petitioner's posting at Kundli was directed to be maintained.

[4] Learned counsel for the parties state that pursuant to interim

order dated 19.12.2018, the petitioner is continuing at Kundli where he was initially posted vide order Annexure P/5 dated 31.05.2017. A period of close to three years has elapsed ever since the posting of the petitioner at Kundli.

[5] Learned counsel for respondent No.2 to 4 states that without going into the merits of the case, the writ petition can be disposed of by permitting the petitioner to continue at Kundli till the next annual general transfers scheduled in March/April, 2020 whereupon a decision would be taken as per the prevailing transfer policy as to whether the petitioner is to be allowed to continue at Kundli or to be transferred elsewhere.

[6] The same satisfies learned counsel for the petitioner.

[7] In the light of the position as noted above, the writ petition is disposed of by directing the respondents to continue the petitioner at his present place of posting i.e. Kundli till the time of the annual general transfers scheduled in March/April, 2020 whereupon a fresh decision will be taken as per the prevailing transfer policy as to whether the petitioner is to be allowed to continue at Kundli or to be transferred elsewhere. The continuation of the petitioner at Kundli or transfer elsewhere post-annual general transfers scheduled in March/April, 2020 would be subject to the decision of the competent authority.

(B.S. Walia)
Judge

10.02.2020
amit

- | | | |
|----|----------------------------|---------|
| 1. | Whether speaking/reasoned: | Yes/No. |
| 2. | Whether reportable : | Yes/No. |