

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

115

**CWP No.1136 of 2021
Decided on : 18.01.2021**

Roshan Lal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. B.S. Sidhu, Advocate for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India, seeks the quashing of the order dated 07.01.2021 (Annexure P-3), whereby he has been transferred from Pundri, District Kaithal to Division Kalka, District Panchkula.

The petitioner has relied upon the Transfer Policy dated 22.10.2020 (Annexure P-2) to submit that Clause 5 (vi) provides that the employees due for superannuation within one year shall not be required to participate in the transfer drive unless so desires, to point out that the petitioner is due to retire on 30.04.2022. It is further submitted that the petitioner had been transferred to Pundri on 01.05.2020 and only 7 months have passed. Reliance is placed upon Clause 2 (d) of the said policy to submit that prescribed tenure is of 3 years.

Notice of motion.

Mr. RKS Brar, Addl. AG, Haryana accepts notice on behalf of the respondents and on instructions from respondents submits that the petitioner is serving as a Upper Division Clerk (UDC) and as per Clause 5

(viii) of the said policy LDC, UDC and JE/JE-1 shall not be posted in their home division throughout their service. It is submitted that Pundri is his home division and, thus, he is necessarily to be transferred from there and he has not given any option as such for giving a station closer to his home division, though he was asked to. It is further submitted that he has also been relieved from Pundri.

This fact is not controverted by the counsel for the petitioner that an option was given to him for posting at a place close to his home division.

Keeping in view the above, let a representation be filed by the petitioner with respondent No.3 within a period of 3 days from today outlining his preferred stations. Keeping in view the fact that the petitioner is due to retire on 30.04.2022, the said respondent shall take a decision on the same expeditiously and sympathetically within a period of one week thereafter.

In the meantime, till the decision making is incomplete, the petitioner's non-joining at Kalka shall not be acted upon adversely.

The writ petition stands disposed off, accordingly.

JANUARY 18, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No