

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**107****CWP No.3983 of 2021
Decided on : 19.02.2021**

Umar Mohd.

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIAPresent: Mr. Mohammad Arshad, Advocate
for the petitioner.(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India challenging the order dated 09.02.2021 (Annexure P-5) whereby the petitioner has been transferred from Tauru (Mewat) to Kurukshetra.

Counsel for the petitioner has vehemently contended that on an earlier occasion the petitioner was transferred on 30.12.2020 vice Ram Kumar, Sub-Inspector (Annexure P-2). The said employee filed a writ petition No.353 of 2021 wherein stay order dated 08.01.2021 (Annexure P-4) was passed. The petitioner had been arrayed as respondent No.3 in the said writ petition. It is his contention that once transfer order had been stayed, he should have been as such permitted to continue at Tauru and the benefit would also accrue to him.

A perusal of the said order would go on to show that stay was granted to Ram Kumar on the ground that he was to retire on 31.05.2021 and therefore, had been left with less than 6 months of service and as per the transfer policy the stay was granted. The petitioner is only a respondent as such and the stay has to operate only qua the petitioner in that case and the benefit cannot as such accrue to the petitioner on that account. Keeping in view the fact that the stay order could not be implemented, the respondents have now vide the transfer order dated 09.02.2021 (Annexure P-5) transferred the petitioner to Kurukshetra. The petitioner admittedly has approached the respondents for cancellation of the transfer order in which the ground as such was also taken regarding the pendency of the other case qua Ram Kumar which has already been discussed above and ground as such is not found tenable by this Court.

The only issue which has now been raised by the counsel for the petitioner is that he had given options for Jhajjar and Rohtak and the petitioner has not been transferred to the said places. In such circumstances, only a direction which can be issued to the respondents as such to consider the representation dated 12.02.2021 (Annexure P-6).

Notice of motion.

Mr. R.K.S. Brar, Additional AG, Haryana, accepts notice on behalf of the State. He points out that the petitioner has remained posted in Mewat since 2012 and he has also been relieved from Tauru on 17.02.2021.

It is settled principle that transfer orders are not liable to be interfered unless there are violations of the statutory rules or there are any

mala fide as such. In such circumstances, this Court is of the opinion that no case is made out for quashing of the transfer order. The only relief that can be granted to the petitioner is the consideration of his representation dated 12.02.2021 regarding his preferred station to be considered in accordance with the policy.

It is open to the petitioner to submit his representation by giving a more detailed representation as it is contended that he is also handicapped employee which fact however, does not find mention from the record as such of the writ petition at least. The said representation be decided within a period of 4 weeks from the receipt of the certified copy of this order by respondent No.2.

19.02.2021
Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No