

Sr.No.109

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

CWP No.4396 of 2021

Date of decision:24.02.2021

Narender Joon

... Petitioner(s)

versus

State of Haryana and others

... Respondent(s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Sushil Jain, Advocate
for the petitioner.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Article 226 of Constitution of India for issuance of writ in the nature of certiorari for quashing of the impugned order dated 12.02.2021(Annexure P-3) issued by respondent No.3 to the extent that the petitioner has been transferred from District Sonipat to Narnaul(Mahendargarh). Further prayer has also been made with regard to the grant of earned leave to the petitioner.

Learned counsel for the petitioner has submitted that the petitioner had been serving as Assistant District Attorney, in the office of District Attorney Sonipat since 11.08.2017 and the petitioner is suffering from mental health issues and is getting treatment from Department of

Psychiatry, PGI Rohtak since 18.01.2021. He has submitted that since he is getting the aforesaid treatment he may not be transferred to Narnaul. He has also submitted that he had applied for earned leave but the same has not been sanctioned by the concerned authorities and therefore, has prayed for issuance of directions in this regard as well.

I have heard the learned counsel for the petitioner.

So far as the transfer of the petitioner from Sonipat to Narnaul is concerned the same has been done by way of Annexure P-3 which seems to be a general order wherein number of officers have been transferred. It is a settled law that transfer is an incidence of service and in the absence of any malafide or extreme circumstances the same are not to be interfered in exercise of jurisdiction under Article 226 of the Constitution of India. In the facts and circumstances of the present case, the petitioner was working in Sonipat from the year 2017 which is about three years and his treatment in PGIMS, Rohtak started from 18.01.2021 as per Annexure P-4 which is a representation which the petitioner had given to the concerned authorities. Even a perusal of Annexure P-1 which is a prescription of Pandit B.D.Sharma, PGIMS, Rohtak would show that the prescription of medicine has been given for two weeks and therefore, it may not be difficult for the petitioner to travel to Rohtak for the purpose of getting treatment. Therefore, this is not a fit case to interfere in the transfer of the petitioner.

So far as the prayer of the petitioner with regard to grant of earned leave to the petitioner is concerned he has submitted that he has already requested the concerned authorities to sanction the same.

In view of the above, it is directed that respondent No.1 shall

consider the request of the petitioner with regard to the claim of earned leave to the petitioner and to pass appropriate orders strictly in accordance with law within a period of three weeks from the date of receipt of certified copy of this order.

Disposed of.

24th February, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No