

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

116

CWP-5152-2021

Decided on : 04.03.2021

Sawinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr.L.M.Gulati, Advocate, for the petitioner.

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

G.S. Sandhawalia , J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari for quashing the order dated 18.02.2021 (Annexure P-1) passed by respondent No.2-The Director, Research and Medical Education, Punjab, whereby the petitioner who is working as a Senior Assistant has been transferred from Government Medical College, Amritsar to the office of respondent No.3 i.e.Directorate, Health and Family Welfare, Punjab, Chandigarh.

The grouse of the petitioner is that she is a widow and has three children i.e.two daughters and a son and is residing in village Bal Kalan in Amritsar. It is submitted that the place where the petitioner has been transferred, is more than 260 kms from the residence of the petitioner, though, admittedly she has been posted at Amritsar since the day of her joining i.e.06.06.1991. It is submitted that the petitioner has been residing with her children at Amritsar and it would be very difficult for her to leave her girl children alone at Amritsar.

It is not disputed that the petitioner has been relieved on 19.02.2021. This Court normally does not interfere in transfer matters in the absence of any mala fides or violation of any statutory provisions.

Faced with this situation, learned counsel for the petitioner submits that he would file a detailed representation before respondent No.2 setting forth the difficulties of the petitioner and for adjustment at a closer place.

Notice of motion.

Ms.Simran Grewal, Assistant Advocate General, Punjab, accepts notice.

Accordingly, the present petition is disposed of with a direction that after a representation is filed within a period of three days from today, respondent No.2 shall take a decision sympathetically keeping in view the above facts. In the meantime, in case the petitioner does not join her duties at her place of posting at Chandigarh, she shall not be adversely acted upon till the decision of the said representation. However, it is made clear that in case the representation is not filed, the protection granted to the petitioner shall not endure.

(G.S.SANDHAWALIA)
JUDGE

04.03.2021

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No