

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

**CWP No.9558 of 2021 (O&M)
Date of Decision: 29.10.2021**

Joginder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. B.B.S.Randhawa, Advocate for the petitioner.

Ms. Maloo Chahal, DAG, Punjab for the respondents.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 23.04.2021 (P-2), whereby petitioner was transferred from Civil Hospital, Batala, District Gurdaspur to Sub Center, Lasuli, under P.H.C., Shahkot, District Jalandhar.

The co-ordinate Bench while issuing notice of motion on 07.05.2021 passed the following order:-

“Petitioner-Joginder Kaur, stated to be aged 56 years, has filed the present writ petition inter alia with a prayer for setting aside the impugned transfer order dated 23.04.2021 (Annexure P-2) passed by respondent No.2 by which the petitioner has been transferred from Civil Hospital, Batala, District Gurdaspur to

Sub Center, Lasuli, under P.H.C., Shahkot, District Jalandhar and to decide the representation dated 26.04.2021 (Annexure P4) and (Annexure P-5), along with further relief as mentioned in the writ petition.

Learned counsel for the petitioner submits that the petitioner is a widow lady and has a young child to look after. She, therefore, prays that the respondents be directed to consider her request to accommodate her by transferring at Batala.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, Asst. A.G., Punjab, accepts notice on behalf of respondents.

Let status report be filed showing that the case of the petitioner has been considered and in case, there are any lawful grounds for not accepting the request, the same be indicated in the status report.

At this stage, learned counsel for the petitioner further submits that he has instructions that the petitioner has been on medical leave and has not relinquished her charge.

Respondents, in the meantime, are also directed to examine the request of the petitioner as she is stated to have made various representations. In case, the exigencies of administrative working is not affected, the petitioner's request for continuation at the present place of posting, be also considered sympathetically.

List on 21.05.2021.”

In pursuance of the above order, grievance of the petitioner was considered and a speaking order has been passed by the competent authority on 27.05.2021, which is taken on record and marked as ‘X’. The operative part of which reads as under:-

“Keeping in view the position mentioned above, the request of the petitioner for cancelation of her transfer orders cannot be accepted and same is rejected. However, if the petitioner wants her adjustment/transfer at any other station where post of Multipurpose Health Supervisor (Female) is presently lying

vacant, than (sic – then) she can approach this office within ten days from the issuance of this order and her request will be considered by the department on priority basis and sympathetically.

These orders are issued to comply with the orders dated 21-05-2021 passed by the Hon’ble Punjab and Haryana High Court in CWP No.9558 of 2021.”

Although, the grievance of the petitioner was considered, but not accepted.

Faced with the above situation, learned Counsel for the petitioner wishes to withdraw the present petition with liberty to make another attempt to convince the authorities on administrative side.

Dismissed as withdrawn with liberty aforesaid.

Needless to say that in case request is made by the petitioner within one week from the receipt of certified copy of this order, the same shall be considered afresh sympathetically keeping in view the fact of her ensuing age of superannuation.

October 29th, 2021

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>