

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

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**CWP No.10667 of 2020 (O&M)
Decided on : 06.09.2021**

Moti Sagar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Ashok Kaushik, Advocate
for the petitioner.

Mr. Harish Kumar Nain, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India challenges the transfer order dated 17.07.2020 (Annexure P-1), whereby he had been transferred from District Faridabad to District Jhajjar.

The same has been opposed by the State on the ground that there is an alternative remedy available under Clause 6 of the Transfer Policy of 2010-2011. The petitioner has not availed remedy available to him under the said clause and that transfer is an incident of service. Reliance has been placed upon the judgments of the judgments of the Apex Court passed in **Union of India Vs. S.L. Abbas, 1995 (4) SCT 455, Kendriya Vidyalaya Sangathan Vs. Damodar Parsad Pandey and others, 2004 (4) SCT 790 and Union of India and another Vs. Deepak Niranjana Nath Pandit 2020 (3) SCC 404.**

It is submitted that he has been transferred on administrative grounds on a complaint dated 17.07.2020.

Counsel for the petitioner has vehemently submitted that there are vacant posts available in District Faridabad and, therefore, he may be adjusted in the same district, by filing rejoinder of reply as such. It has also been pleaded in the same that the petitioner has made a representation to respondent No.2 for adjustment in District Faridabad.

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A perusal of the paper-book would go on to show that benefit of interim protection as granted vide order dated 27.07.2020 is still in force. The State has also filed an application for vacation of stay.

Keeping in view the settled principles that this Court normally does not interfere in the transfer orders, in view of the law laid down, which has already been cited above, this Court is of the opinion that the State shall take into consideration the request of the petitioner by treating the writ petition and Annexure P-2 as representations and look into the matter whether the petitioner can be suitably adjusted or not, as claimed for.

Let, decision be taken on the said issue within a period of two weeks from today. The interim order dated 27.07.2020 shall remain in operation till 30.09.2021.

The writ petition stands disposed of in the abovesaid terms.

September 06, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No