

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17647-2020

Date of decision: - 12.01.2021

Usha Rani

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. A.P. Bhandari, Advocate,
for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present writ petition has been filed seeking quashing of the transfer order dated 15.10.2020 (Annexure P-4), by which, the petitioner has been transferred from Government Industrial Training Institute, Pundri to Government Industrial Training Institute, Jind. The challenge to the said transfer order is on the ground that the same is against the guidelines/policy framed by the State of Haryana and is also not in the public interest or for administrative exigencies and also by ignoring the fact that the petitioner is left with approximately one year and six months service before her retirement.

Reply to the writ petition has been filed by the respondents-

State, wherein, they have stated that the transfer order of the petitioner dated 15.10.2020 (Annexure P-4) is in accordance with the guidelines and policy. As per the reply, petitioner had already exhausted the maximum period of five years of stay at Industrial Training Institute, Pundri and further, as per the guidelines, only the employees, who have less than one year service to go for superannuation, can be considered for allowing them to continue in their present place of posting and the petitioner, who has more than one year service to go for superannuation, is not covered under the said clause as well.

Faced with this situation, learned counsel for the petitioner submits that the respondents have jurisdiction to relax the provisions of the transfer policy and a direction be issued to the respondents in this regard.

It is a settled principle of law that no direction can be issued by this Court for the grant of relaxation as the grant of the same is under the jurisdiction and discretion of the employer.

At this stage, learned counsel for the petitioner prays that only one year and three months remain before the petitioner superannuates and keeping in view her family circumstances where she has to maintain her old in-laws, who are facing medical disabilities, she be granted the benefit of relaxation by the respondents. Learned counsel for the petitioner states that the petitioner will be satisfied, at this stage, in case she be granted liberty to approach the respondents by filing an appropriate representation seeking the relaxation of the policy in her case and the respondents be directed to decide the said representation

expeditiously.

Learned State counsel submits that in case any representation is received, the same will be considered and an appropriate order will be passed on the prayer of the petitioner expeditiously within a period of seven days from the date of receipt of any representation.

Keeping in view the above, the present writ petition is disposed of with a liberty to the petitioner to approach the respondents by filing appropriate representation within a period of seven days from today. In case, any representation is received from the petitioner by the respondents within a period of seven days from today, the same be decided within a period of next seven days as undertaken by the learned State counsel.

Interim order dated 23.10.2020 will continue till the decision of the representation in case the petitioner files the representation within the time framed above.

(**HARSIMRAN SINGH SETHI**)
JUDGE

January 12, 2021
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No