

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

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**CWP No.18934 of 2017 (O&M)
Decided on : 13.07.2021**

Anil Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Sandeep Singh Sangwan, Advocate
for the petitioner.

Mr. Harish Kumar Nain, AAG, Haryana.

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

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India challenges the transfer order dated 15.06.2017 (Annexure P-2), vide which he has been transferred from State ITI (Women), Bhiwani to State ITI, Behal.

The said order was stayed on 23.08.2017 and it is not disputed that the petitioner continues to stay at the same place and almost a period of 4 years has expired since then. The currency of the litigation thus has run out, in the opinion of this Court.

Counsel for the petitioner has vehemently argued that there are vacancies available at the place where the petitioner is stationed.

The stand of the respondents is that the petitioner has never been transferred out of the District Bhiwani and his total tenure at Bhiwani is more than 12 years out of total service of 15 ½ years, since his appointment on 11.03.2002.

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In such circumstances, this Court is of the opinion that no further indulgence is liable to be granted to the petitioner. The Division Bench in '**Parveen Kumar Vs. State of Punjab and others**' 2008 (4) SCT 596 has held that the transfer is a incidence in service and the guidelines issued by the State are not enforceable for the purpose of assailing it and the employee cannot claim to remain at a particular place or post of his choice.

Resultantly, the present writ petition is disposed of as having been rendered infructuous. The interim order dated 23.08.2017 stands vacated. It is open to the official respondents to take action in accordance with law.

July 13, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No