

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

120

CWP No.22701 of 2021 (O&M)
DATE OF DECISION : 09th NOVEMBER, 2021

Sudhir Kant Sharma

.... Petitioner

Versus

Life Insurance Corporation of India and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====
In virtual Court
=====

Present : Mr. Gaurav Sharma, Advocate for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Certiorari seeking quashing of orders dated 01.10.2021 and 27.10.2021 passed by respondent No.2.

It has been submitted by the counsel for the petitioner that the petitioner has been transferred several times within a period of three years. The counsel has further submitted that the petitioner is being victimized simply because he happens to be the President of the Association of All India Insurance Marketing official, and, therefore, has been raising the demands of the employees/officers before the Management of the Corporation. This seems to have offended the authorities, which has resulted in the transfer of the petitioner. The

counsel has further submitted that as per the Transfer and Mobility Policy adopted by the Corporation, a person is entitled to stay at one place from three years to eight years. The petitioner is not being given the benefit of this policy, whereas, the other persons are staying at one place for more than ten years.

Notice of motion.

Mr. Akshay Jain, Advocate, accepts notice on behalf of the respondents.

It has been pointed out by the counsel for the respondents that the petitioner was transferred to Chandigarh in the year 2016 on his request. Thereafter, he has remained posted at Chandigarh, with temporary deployment; within the limits of the Tricity of Chandigarh, Panchkula and Mohali. The net result is that the petitioner has remained posted at Chandigarh for more than five years now. It is further submitted by the counsel for the respondents that the petitioner is facing a vigilance enquiry in a matter involving the fraud, allegedly committed by the petitioner. The allegations regarding the victimization of the petitioner for being the President of the Association; is totally baseless. The respondent-authorities have not acted deliberately in transferring the petitioner on any ground of the petitioner being the President of the Association or raising demands of the employees. He has been transferred and posted keeping in view the requirements of functioning of the office at Nabha. The Transfer and Mobility Policy being relied upon by the petitioner is by way of guidelines only and even the said policy prescribes that the petitioner can be posted at any place and in any office of the corporation. Moreover, the requirement of a person being posted at

one place from three years to eight years is duly met in the case of the petitioner, because he has remained posted at Chandigarh for more than five years. Accordingly, it is submitted that the writ petition be dismissed.

As response to this, the counsel for the petitioner has submitted that though there is a complaint alleging fraud by the petitioner, however, so far the petitioner has not even been issued any notice or charge-sheet; qua those allegations. Hence, the said complaint is totally irrelevant; so far as any service aspect of the petitioner is concerned.

Having heard the counsel for the parties and having perused the case file, this Court finds no substance in the argument of the counsel for the petitioner. The main argument of the counsel for the petitioner is that the petitioner is entitled to stay at a place for upto eight years, like others; therefore, he could not have been transferred by the authorities before that. However, this argument of the counsel for the petitioner is not supported even by the said Transfer and Mobility Policy. The said policy itself prescribes that the petitioner can be posted at any place; at any time. Moreover, the policy is made only by way of guidelines and does not confer any right upon the petitioner to remain posted at any place for any particular time period. Moreover, the petitioner has remained posted at Chandigarh for more than five years. The division of the time period of stay of the petitioner at Chandigarh in two postings at Mohali and Chandigarh is totally artificial. As argued by the counsel for the respondents, the petitioner was only deployed at Mohali office. However, the net result is that the petitioner remained posted in the area

of Tricity for more than five years. Even, the present transfer of the petitioner is not at any far off place, which could have smacked of any victimization of the petitioner on any ground. Had the respondents thought of victimizing the petitioner, then there was nothing to stop the respondents from posting the petitioner at a distant place. Therefore, even the plea of victimization raised by the petitioner is not found to be substantial.

Moreover, it has been pointed out by the counsel for the respondents; and has also been made clear in the order impugned by the petitioner; that the petitioner is already facing a vigilance enquiry in a complaint of fraud alleged against the petitioner. Although, the petitioner may not have been served with any notice or charge-sheet so far, however, it is clear from the impugned order that a formal vigilance case already stands registered against the petitioner. It is obvious that the consequent proceedings upon that complaint are bound to follow. Hence, this Court finds substance in the argument of the counsel for the respondents that the petitioner has not exhibited his unblemished service record as well, which may justify any extra compassion on the part of the respondents.

In view of the above, finding no merit in the present petition, the same is dismissed.

09th NOVEMBER, 2021
'sandeep'

(RAJBIR SEHRAWAT)
JUDGE

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