

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23604-2019 (O&M)
Date of Order:23.02.2021

SEEMA THAPAR

..Petitioner

Versus

UNION OF INDIA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhawesh Chaudhary , Advocate,
for the petitioner.

Ms. Anita Balyan, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing
on account of restricted functioning of the Courts.

The petitioner by filing this writ petition under Article 226/227
under Constitution of India, prays for the following substantive reliefs:-

- “i. That this Hon’ble Court may be pleased to issue a writ in the nature of Certiorari for quashing the impugned transfer orders of the petitioner, issued by the Respondent No.2 (Annexure P-3) dated 11.04.2019 thereby transferring the petitioner to 213 (Mahila) Battalion, Nagpur at Serial No.93 of the impugned list and further to quash the orders dated 26.04.2019 (Annexure P-7) whereby the representation of the petitioner dated 18.04.2019 (Annexure P-4) for extension on the same base has been refused without assigning any reason;*
- ii. Further to quash the order dated 22.07.2019 (passed by the respondent No.2 herein (P-11), thereby rejecting the claim of the Petitioner, which was so ordered to be considered in view of the order of this Hon’ble Court vide CWP No.14851 of 2019 vide its order dated 31.05.2019 (P-8), whereby it was ordered by this Hon’ble Court to consider the claim of the Petitioner by passing a ‘Speaking Order’;*
- iii. Further, prayer is for the issuance of a Writ of Mandamus, directing the respondent No.2 to grant*

extension to the petitioner at her current station for a period of 12 months on grounds of medical infirmity of the petitioner, having Shapre-III fitness category detailed in Annexure P-6;

- iv. *It is further prayed that the operation of the transfer order dated 11.04.2019 (Annexure P-3) and order dated 26.04.2019 (Annexure P-7), and order dated 22.07.2019 (Annexure P-11), ordering the transfer of the Petitioner be stayed and kept in abeyance pending the present petition;”*

The petitioner claims to have joined Central Reserve Police Force on 18.09.1996 as a Sepoy under the sports category. Thereafter, she was promoted to the rank of Head Constable (GD) (Mahila) in the year 1998. The post held by the petitioner is transferable. As per the case of the respondents, the petitioner has stayed at a given station by virtue of the interim protection granted by the Court for a period of 5 years and 3 months, whereas normally a tenure of a non-gazetted official is three years at a particular station.

Learned counsel for the petitioner contends that the petitioner has broken her left knee and hence, is required to undergo two surgeries for the same. It is further pleaded that she has also developed problem in her disk in the lower back. Respondents have disputed the aforesaid fact.

Learned counsel for the petitioner further submits that the respondents have permitted certain officials continue to stay on medical and educational grounds.

In the considered view of this Court, such permission granted by the respondents does not create any corresponding right in favour of the petitioner.

It is well settled that normally the order of transfer passed on administrative grounds cannot be interfered with. In the present case, the

petitioner has already stayed at a given station for a period of more than 5 years and 3 months by virtue of the interim protection granted by the Court.

Hence, no further protection is called for.

Dismissed.

February 23, 2021
Ayub/nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No