

CWP-No.3 of 2022
Date of Decision : 04.01.2022

Versus

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARA

(Through Video Conferencing)

The petitioner, who is a Govt. employee has come up before this Court under Article 226 and 227 of the Constitution of India seeking quashing of the impugned order dated 23.12.2021 (Annexure P-4) vide which the petitioner has been transferred from Block Jandiala Guru, District Amritsar to Block Nakodar, District Jalandhar on the ground that his transfer has been done within a short span of 21 days from his previous place of posting.

Mr. Hittan Nehra, Addl. Advocate General, Punjab has appeared on behalf of the State, accepts notice and waives service.

Learned counsel for the petitioner has argued that the petitioner has been transferred within a short span of 21 days from his previous place of posting. However, on the contrary, it has been contended by learned Additional Advocate General, Punjab that prior to the transfer, the petitioner has sought an adjustment on a vacant post within a short distance of 20 to 25 kms. and as such, it was only an adjustment and not the transfer. Learned State counsel further submits that adjustment would be deemed to be a transfer only where the work place is situated at a far away distance and it is impossible to travel between the work place and residence on

day-to-day basis.

Given above, in my considered opinion, in such a situation, posting/adjustment at a short distance of 20 to 25 kms. cannot be the ground that the transfer of the petitioner was done within a short span of 21 days.

Another argument of learned counsel for the petitioner is that the State of Punjab has imposed a blanket ban on the transfer and postings due to ensuing elections in the State of Punjab. Learned State counsel submits that blanket ban does not mean that the entire system should come to a halt and any officer cannot be transferred or replaced in view of the administrative exigencies. Learned counsel for the petitioner has failed to bring to the notice of the Court any *mala fides* in the same. Thus, this ground fails.

The third argument raised by the learned counsel for the petitioner vide which he seeks indulgence of this Court is that the petitioner is taking care of his elder brother and sister-in-law, who are dependent upon him and are under treatment. He further submits that their children are staying in Canada and there is no one in the home to look after them except the petitioner.

Prima facie, the petitioner is more concerned in taking care of his elder brother and sister-in-law. For that he can certainly arrange a good care taker from nearby his residence for taking care of his elder brother and sister-in-law. Admittedly, the children of the elder brother and sister-in-law are well settled in Canada, they can anyway come to India anytime and can also look after their parents.

Given above, I do not find any force in any submissions. There is no illegality in the transfer order of the petitioner. Hence, no ground for intervention by this Court, is made out. Consequently, the present petition is **dismissed**.

(ANOOP CHITKARA)
JUDGE

January 04, 2022
Manpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No