

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-3412-2019
Date of decision: 05.09.2022

SUKHBIR SINGH	VS	...Petitioner
STATE OF HARYANA AND OTHERS		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Kuldeep Khandelwal, Advocate,
For the petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned order dated 16.10.2018 (Annexure P-1) vide which petitioner has been transferred from District Rohtak to Jhajjar.

2. Learned counsel for the petitioner submits that the impugned order has been passed without taking into consideration the Government Policy dated 06.10.2004 (Annexure P7). He contends that petitioner is fully conscious that being a Government servant, he can be transferred but the same ought to have been done in accordance with the transfer policy. He submits that petitioner is disabled to the extent of 70%.

3. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the written statement. He submits that while issuing notice of motion vide order dated 07.02.2019, stay was granted on the impugned transfer order.

4. I have heard learned counsel for the parties and gone through the case file.

5. Impugned transfer order was passed way back on 16.10.2018 and the same has remained stayed all throughout during pendency of the writ proceedings in view of the interim protection granted by this Court vide order dated 07.02.2019. In between, no doubt considerable time was consumed owing to the pandemic when both administration as well as Courts were working under restrictions.

6. Having heard arguments, I am of the view that the administrative exigency, if any, which existed at the time of passing of the order has perhaps been taken care of by taking appropriate steps in view of the interim protection granted by this Court.

7. Accordingly, writ petition is disposed of with liberty to the respondents to pass fresh orders, if so warranted, after taking note of the administrative exigency, if any. It is, however, made clear that liberty granted to the respondents, in any manner, shall not be construed that petitioner has to be mandatorily transferred in case otherwise there is no administrative exigency.

(ARUN MONGA)
JUDGE

September 05, 2022
vandana

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