

116.

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

CWP-5433-2022

Date of Decision: 17.03.2022

(Heard through VC)

LOVE KUMAR

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rahul Bhargava, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein would seek to challenge his transfer order whereby he has been transferred from Amritsar to Pathankot by an order dated 17.12.2021 (Annexure P-6).

It is argued that the transfer has been ordered (the petitioner has joined on the said post) only on account of the fact that there is an FIR No.71 pending which was registered on 20.08.2015 under Sections 498-A, 354-A IPC at Police Station Women, Amritsar City. The transfer is based on a policy dated 22.07.2021 (Annexure P-7). It is contended that the said policy is not applicable to the petitioner as he has not been convicted under the said FIR as on date. It is further contended that the petitioner herein has wrongly been transferred without the true interpretation of the said policy. It is submitted that the petitioner has already filed a representation to the Director General of Police, Punjab (Annexure P-9) dated 30.12.2021, which

is pending consideration. The petitioner herein has clearly stated that the said policy is not applicable to him and, therefore, he has wrongly been transferred while stating that the mother of the petitioner is a HIV positive patient who needs constant care and attention.

Notice of motion.

At this stage, Mr. C.L. Pawar, Senior DAG, Punjab, who is present through the medium of video conferencing, accepts notice on behalf of the respondents.

I have heard learned counsel for the petitioner and have perused the pleadings of the case.

As the representation of the petitioner is pending consideration with the Director General of Police, Punjab i.e. respondent No.2 herein, since 30.12.2021, this Court deems it appropriate to direct respondent No.2 to take a conscious decision on the said representation within a period of four weeks from the date of receipt of certified copy of this Court in accordance with law.

Present petition stands disposed of accordingly. Let the representation be decided keeping in view the policy as formulated, within the period stipulated above, failing which, the officer responsible for the lapse would be personally liable to deposit costs of Rs.10,000/- with the High Court Advocates Welfare Fund, Chandigarh.

17.03.2022

sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No