

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

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CWP No.7122 of 2022 (O&M)
DATE OF DECISION: 05th APRIL, 2022

Anju

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Bhupinder Kumar Gupta, Advocate,
for the petitioner.

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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 for setting aside the order dated 26.03.2022 (Annexure P-7), vide which, the petitioner has been directed to get herself relieved from Composite Hospital, Jalandhar and has been transferred to Composite Hospital, Sri Nagar, with a further prayer to direct the respondents to consider the representations dated 21.03.2022 and 24.03.2022 (Annexures P-5 & P-6), moved by the petitioner seeking grant of extension of one year posting tenure at Composite Hospital, Jalandhar.

It is submitted by the counsel for the petitioner that the petitioner is suffering from the ailment of Osteoporosis. Therefore, the petitioner deserves to be retained at Jalandhar. It is further submitted by the counsel for the petitioner that earlier the petitioner had remained

posted at Sri Nagar from 2012 till 2017. Therefore, the petitioner is not averse to serve at the place wherever she is posted. However, keeping in view the peculiar problem, being faced by the petitioner, a request was made to the respondent-authorities to retain her at the present place of posting. But the said request has not been acceded to. Referring to transfer guidelines of the respondents, the counsel has submitted that the petitioner is having only three years to retire. Hence, keeping in view the nearing retirement of the petitioner; she deserves to be given a special consideration and the impugned transfer order deserves to be set aside.

Notice of motion.

Ms. Anita Balyan, Advocate, Senior Panel Counsel for UOI, accepts notice on behalf of the respondents and has pointed out that the petitioner has, in fact, stayed at Jalandhar, in aggregate, for a period of about 23 years. Therefore, the petitioner cannot raise a grievance that the respondent-authorities are against the petitioner, as such. The petitioner has been transferred to Sri Nagar vide the impugned order only in the interest of the organization and the better administration. Even qua the present transfer, the petitioner had submitted her request to retain her till March, 2022. That request was also acceded to. However, after having enjoyed that concession, the petitioner has now approached this Court.

Having heard the counsel for the parties and having perused the case file, this Court does not find any substance in the argument of the counsel for the petitioner. It is well established law that the transfer is only an incidence of service. No employee can claim a right to stay at any particular place for any particular duration. It is not even the case of the petitioner that the transfer order has been passed by the authority for

mala fide reasons. The counsel for the respondents has amply clarified that the petitioner has already been extended more than due concession by retaining her at one place for about 23 years, despite the force being a pan-India border force. Hence, this Court does not find any ground to interfere with the impugned transfer order.

Although, the counsel for the petitioner has invoked the policy of the respondents-force, so as to stress the point that the petitioner is nearing her retirement, therefore, she should not be transferred from the present place of posting, however, even this argument of the counsel for the petitioner is not sustainable. A bare perusal of the policy also shows that the special consideration is required to be given only when two years or less are remaining for the retirement of the employee. The petitioner is having more than three years. Therefore, even on that count, the argument of the counsel for the petitioner is not worth acceptance.

Needless to say that the petitioner is in nursing service only, therefore, it is obvious that wherever she is posted, the treatment for the medical problem faced by the petitioner, would be available.

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

All pending miscellaneous applications, if any, are also disposed of as such.

05th APRIL, 2022
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(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*