

126

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

CWP No. 9064 of 2022 (O&M)

Date of Decision: 13.05.2022

Krishan Kumar

..... Petitioner

Versus

State of Punjab and ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr.Sandeep Arora, Advocate for petitioner.

MAHABIR SINGH SINDHU, J.

CM-6899-CWP-2022

Application for placing on record warning letter issued by respondent no.3 as annexure P-5 is allowed as prayed for subject to all just exceptions. Annexure P-5 is taken on record.

Registry to tag the same at appropriate place.

MAIN CASE:

Present petition has been filed under Article 226 of the Constitution, *inter-alia*, for issuance of a writ in the nature of certiorari for quashing the impugned order dated 22.04.2022 (P-3); whereby petitioner was transferred from the post of Inspector, Legal Metrology, Nakodar, District Jalandhar to Ferozepur.

2. It is contended by learned counsel that petitioner is going to attain the age of superannuation in January 2023, and as such only 09 (nine) months are left for his active service. Also contended that petitioner

is discharging duties to the full satisfaction of his superiors, thus, there was no fault on his part during Corona period. Further contended that the impugned transfer order has been issued in violation of the transfer policy.

3. Heard learned counsel for the petitioner and perused the paper-book.

4. Paper-book reveals that petitioner was accorded “warning” by the competent authority on 31.03.2022 and relevant part of the same reads as under:-

“With reference to the above subject, the inquiry report produced by Assistant Controller, Legal Metrology Jalandhar and explanation furnished by you dated 10.01.2022 is not completely satisfactory. In Legal Metrology, the duty of the Inspector Legal Metrology relates to inspection and enquiry of weight and measures instruments by physically going to the field and inspection certificates are issued. It is correct that now the inspection certificates are issued online, but this is possible only after the inspection of the weight and measure instruments. You have not provided the solid evidence with regard to the work done by you online i.e. any type of receipt/ inquiry certificate of any kind were not produced. From which it is clear that work was done by you during Corona positive and have violated the Corona protocol. Strict warning is issued to you to discharge your duty within legal frame work in future.”

A perusal of the extracted portion clearly reveals that work and conduct of the petitioner during Corona period was not satisfactory; rather he violated the Protocol.

5. Concededly, the order dated 31.03.2022 has not been challenged by the petitioner till date for the reasons best known to him and

as such this Court does not find any good ground to interference with the impugned transfer order.

6. Even the contention raised on behalf of the petitioner that order impugned is in violation of the transfer policy is also not helpful in view of the settled proposition that such policies are merely a set of guidelines for the authorities and not legally enforceable under Article 226 of the Constitution.

Reference in this regard can be made to the order dated 28.07.2021 passed by this court while deciding CWP-13925-2021 (**Ravinder Kumar and others Vs. State of Punjab and others**).

7. In view of the above, there is no option except to dismiss the writ petition.

Ordered accordingly.

13.05.2022
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>