

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

CWP No.10913 of 2022

DATE OF DECISION: 20.05.2022

Aman Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Jitender Nara, Advocate,
For the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks quashing of impugned order dated 13.05.2022 (Annexure P-3) whereby he has been transferred from, Indri, Karnal to Cheeka, Kaithal.

2. Learned counsel *inter alia* contends that on one hand the State government has itself issued policy instructions/guidelines which are meant to be followed by the superior authorities/head of departments while transferring employees from one place to another in the State, on the other, not only in violation thereof, that too without giving any reasons of administrative exigencies, petitioner has been transferred. Even otherwise, the mitigating circumstances of the petitioner have been given a complete short shrift.

3. Learned counsel further argues that the petitioner had met his immediate superiors at district level at Karnal where he is posted i.e., District Food & Supplies Controller, Karnal and apprised that his younger daughter is currently studying in Class 10th and has to take her board

examinations. Due to the midterm transfer, not only she will be unable to get admission in a good school at the place of posting i.e. Cheeka, but being a career building year of her life, her future prospects will be severely jeopardized. He further points out that the petitioner is has look after his children as a single parent since his wife is currently bed ridden. Healso has to attend to his ailing mother who is suffering from age related issues.

4. Learned counsel would point out that under the garb of administrative exigency, the petitioner has been subjected to frequent transfers inasmuch as he was earlier transferred from Karnal to Pundri (Kaithal) on 24.10.2021 followed by Pundri to Indri (Karnal) on 26.03.2021 and now before he could finish his current term, vide impugned order dated 13.05.2022 (Annexure P-3), he is being sent back to Cheeka(Kaithal) from Karnal.

5. On a Court query, whether the petitioner made any representation to the competent authority, learned counsel submits that in a personal meeting all the aforesaid was apprised to the District Food and Supplies Controller.

6. On advance service, learned State counsel appears andsubmits that in case petitioner files a representation, the same shall be considered by the competent authority.

7. Given the nature of order being passed, there is no necessityto seek return by any of the respondents as no further proceedings and/orpleadings are required.

8. Without commenting on the merits of the case, the instant petition is disposed of with liberty to the petitioner to file a representation within two weeks and the same shall be decided by the competent

authority keeping in mind what has been enumerated hereinabove and subject to verification thereof, appropriate orders be passed.

9. Till the decision on the representation, the impugned transfer order shall remain stayed. If no representation is filed within the time limit as aforesaid, interim stay shall be deemed to be vacated.

MAY 20, 2022
Shalini

(ARUN MONGA)
JUDGE

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