

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

Item No.120

**CWP-11262-2022 (O&M)
Date of decision: May 24, 2022**

Gurmeet Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Raj Kumar Rana, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari for quashing order dated 29.07.2021 (Annexure P-2), passed by respondent No.2, whereby the petitioner has been transferred from CHC Charmastpur, Ambala to Tertiary Cancer Care Center, Ambala Cantt. Further prayer has been made directing the respondents not to relieve the petitioner from the present place of posting, after considering his medical status, having 70% disability and is not in a position to travel on National Highway and to an accident prone area.

2. Petitioner was appointed on 18.10.2000 as Class IV employee in the office of General Hospital, Naraingarh. He was transferred to Primary Health Centre, Nurpur, Ambala in 2004. In the year 2016 he was promoted to the post of Dental Mechanic-cum-Assistant and was transferred to CHC Charmastpur, Ambala, where he is currently working.

3. Learned counsel *inter alia* argues that impugned transfer order is contrary to the online transfer policy dated 13.02.2020 applicable to all the employees of a cadre working on regular basis where the cadre strength of a post is 500 sanctioned

posts or above. Per policy, department ought to have taken preferences from its employees including the petitioner, who is suffering from deformity of Kypho Scoliosis since his birth.

4. Qua the aforesaid grievance, petitioner also submitted representation dated 17.05.2022 (Annexure P-4) but the same has not been adverted till date.

5. On advance service, learned State counsel appears and submits that a decision will be taken by competent authority, either way, on the pending representation dated 17.05.2022 (Annexure P-4) by passing a speaking order.

6. At this stage, learned counsel for the petitioner also seeks decision on the pending representation, as suggested by learned State counsel.

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

8. On a Court query as to whether the petitioner joined the new place of posting pursuant to his transfer order, learned counsel for the petitioner submits that till date the petitioner has not been relieved from his earlier post. It seems that despite his transfer, the petitioner is effectively continuing to serve at his earlier posting.

9. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the representation dated 17.05.2022 (Annexure P-4) of the petitioner and pass an administrative order as expeditiously as possible, in accordance with law. Till passing of the order on representation (Annexure P-4), the impugned transfer order shall not be given effect to. The competent

authority is expected to verify the mitigating factors of the petitioner enumerated in the petition, particularly the assertion that petitioner is suffering from deformity of Kypho Scoliosis.

10. Disposed of accordingly.

(ARUN MONGA)
JUDGE

May 24, 2022
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No