

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

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CWP No.70 of 2022
DATE OF DECISION : 7th JANUARY, 2022

Prem Singh

.... Petitioner

Versus

**The Union of India Through the Secretary, Border Roads
Development Board, Govt. of India, Ministry of Defence (BR) New
Delhi & others**

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. R. D. Bawa, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Articles 226 and 227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for quashing of order dated 09.11.2021 (Annexure P-6) qua the petitioner only (Sr. No.45) vide which the petitioner has been posted at a unit situated in hill area at Silchar (Assam) and for quashing of order dated 23.12.2021 (Annexure P-9); along with certain other prayers.

It is submitted by counsel for the petitioner that the petitioner is heart patient. His open heart surgery had also failed. But he is getting treatment from PGI, Chandigarh. The PGI, Chandigarh has advised regular treatment and has further advised the petitioner to avoid long distance travel. Since the petitioner has been posted at Silchar (Assam), he would be required to undertake long journey to join his place of posting. Hence, the petitioner deserves not to be transferred from the present place of posting, or he could be posted at some nearby place.

Notice of motion.

Mr. Shivoy Dhir, Sr. Panel Counsel, UOI accepts notice on behalf of the respondents-UOI and submits that the medical condition of the petitioner has duly been assessed by the authorities of the respondent Force. Keeping in view the medical condition of the petitioner, his employability has been restricted to be posted at M-1 and M-2 category places. Vide impugned order itself the petitioner has been posted only at a place which is categorized as M-1 place. Hence, the petition deserves to be dismissed.

Having heard the counsel for the parties, this court finds substance in the argument of the counsel for the respondents. No doubt the petitioner is having medical problem, not compatible with functioning at all the places, however, the Medical Board of the Force, in which the petitioner is employed, has already taken care of that problem and his employability has been restricted for posting only to M-1 and M-2 category places. Vide imputed order the petitioner has been ordered to be posted at a place which falls in M-1 category. Hence, no fault can be found with the impugned order. So far as the long travel, is concerned, the petitioner is not required to go there on foot. There are so many convenient means to travel to the place where he has been posted. Therefore, mere distance of the place, where the petitioner has been posted, cannot be made a ground for challenging the order of transfer.

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

7TH JANUARY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No