

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CWP-26832-2022

Date of Decision : November 23, 2022

Vijay Kumar Sharma

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohammad Arshad, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the grievance of the petitioner is that the petitioner has been transferred despite the fact that less than one year service is left before the petitioner to attain the age of superannuation on 31.03.2023.

Learned counsel for the petitioner argues that as per the policy, any employee, who has less than one year of service before his superannuation, is not to be transferred, hence, transfer of the petitioner vide impugned order dated 30.06.2022 (Annexure P-3) is liable to be set aside as the representation filed by the petitioner against the impugned order of transfer has already been rejected by the respondents vide order dated 11.10.2022 (Annexure P-6).

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

The respondents in their speaking order has given the details as to under what circumstances, the petitioner was transferred. As per the speaking order, the petitioner was not liable to participate in the transfer but it was the petitioner, who filed application to consider him for the transfer and under these circumstances, once the petitioner has voluntarily participated in the transfer drive, the petitioner cannot raise the grievance for the transfer after the said request for voluntarily participation in the transfer drive has been accepted by the authorities concerned.

The reason given by the respondents is a valid reason. Once the petitioner himself had approached the respondents for participating in the transfer drive, hence, once transferred in pursuance to the said voluntary participation, no grievance can be raised by the petitioner.

Even otherwise, the petitioner has been transferred within the same city from one school to another. That being so, the transfer is not too far off place keeping in view of the previous place of posting.

As the petitioner has already joined the transferred post, no interference is called for by this Court in the facts and circumstances of the present case.

Accordingly, the writ petition is dismissed.

November 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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