

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

**CWP-3258-2023 (O&M)
Date of decision : 17.04.2023**

Sukhjinder Singh

...Petitioner

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Aruna Sachdeva, Advocate
for the applicant-petitioner.

Ms. Gurmeet Kaur Gill, Sr.Panel Counsel
Advocate for respondent-Union of India.

MANOJ BAJAJ, J.

CM-6398-CWP-2023

Application is allowed as prayed for.

Annexures P-4 to P-6 are taken on record.

Main case

By means of this writ petition filed under Article 226 Constitution of India petitioner has prayed for issuance of a writ in the nature of certiorari for setting aside the order dated 08.02.2023 (Annexure P-2), whereby he was transferred from 237 BN CRPF Pinjore, District Panchkula to 014 BN Sri Nagar. Further, prayer is for a writ of mandamus directing the respondents to consider the petitioner for interview for the static office to any group centre in Jalandhar/Hiranagar/Jammu/Bantlab/Kapurthala BN 245.

Learned counsel for the petitioner has argued that the petitioner was enlisted in the Force on 05.03.1992 and has been serving difficult and field

battalions at different places including Jammu and Kashmir, Assam, Arunachal Pradesh etc, therefore, he had requested for a static posting, which was never availed by him. In this regard, learned counsel has invited the attention of the Court to the request dated 07.04.2022, and submitted that the petitioner is presently posted at Pinjore Group Centre as ASI/GD at Battalion No.237 BN and vide impugned order dated 08.02.2023, he has been transferred to Sri Nagar i.e.014 BN. According to the learned counsel, petitioner's wife is suffering from a kidney ailment, therefore, he prays for indulgence of this Court to quash the impugned transfer order, or to post him at some place other than Sri Nagar.

On the other hand, prayer is opposed by Ms. Gurmeet Kaur Gill, learned counsel appearing on behalf of respondents, who submits that the petitioner had given different options and the transferred place of posting is one of them, therefore, the petitioner has no reason to question the transfer and the writ petition be dismissed.

Mrs. Sachdeva, learned counsel for the petitioner does not dispute the above stand of the counsel for respondents and submitted that indeed the petitioner had opted number of stations for transfer, but Sri Nagar was the last option which has been chosen by the respondents to transfer the petitioner.

After hearing learned counsel for the parties and considering the above background, it becomes clear that the petitioner's new place of posting is based on one of his choices and apart from it, concededly the petitioner has already served the battalion at Pinjore for a period of five years, which is also beyond the maximum period of three years. Further, the ground of ailment of petitioner's wife pressed during the arguments is not contained in the

representation/request dated 07.04.2022 (Annexure P-1) sent by the petitioner, wherein he sought a convenient place of posting on the ground that he wants to marry his daughter and is looking for a suitable groom, as his son is abroad and his parents have expired. Further, during the course of hearing, it is also not disputed by learned counsel that during the pendency of the petition, the petitioner's daughter has also got married.

Considering the above background, this Court is not inclined to exercise the extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

17.04.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No