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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4405-2023 (O&M)
Date of Decision: 02.03.2023

Daljit Singh

.. Petitioner

Vs.

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurpreet Singh, Advocate for the petitioner.

Mr. Gurmeet Kaur Gill, Sr. Panel counsel
for respondent-UOI.

...

Manoj Bajaj, J. (Oral)

This writ petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing the part of the impugned order dated 20.02.2023, transferring the petitioner to 239 Battalion situated at Rampur in Uttar Pradesh being unfair, unjust and without taking into consideration his medical condition, who after undergoing liver transplantation, is under regular follow up treatment from Postgraduate Institute of Medical Education & Research, Chandigarh.

Learned counsel contends that the petitioner is presently posted at Group Center Pinjore as Constable/Driver in Central Reserve Police Force, who has been transferred through the impugned order dated 20.02.2023 (Annexure P-11) to a distant place at 239 Battalion situated at Rampur, Uttar Pradesh. Learned counsel has drawn the attention of the Court to the medical record of the petitioner to contend that he was admitted in Hospital w.e.f. 03.12.2016 to 16.12.2016 for liver transplant, who after

successful surgery is undergoing regular periodical check ups at Postgraduate Institute of Medical Education & Research, Chandigarh, and at the new place of posting, he would be deprived of the medical facility, therefore, on this sole ground, he prays that the transfer order dated 20.02.2023 qua the petitioner warrants interference.

During the course of hearing, it is fairly stated by learned counsel that after the liver transplant, the petitioner is doing well and going for follow up check up once in a month.

After hearing the learned counsel and considering the sole argument, this Court is of the considered opinion that the transfer order does not call for any interference, as the petitioner has already spent five years at the present place of posting at Punjab, which is much beyond the maximum period of three years. The argument that at the new place of posting at Rampur, he would not be getting the proper medical facility is without any merit, as concededly, the new place of posting is situated close to District Bareilly, where modern medical facilities are available. Besides, these two stations are conveniently connected by different modes of transportation, therefore, no interference is warranted by this Court by exercise of extra ordinary jurisdiction under Article 226 Constitution of India.

Dismissed.

02.03.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No