

121.

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

CWP-4597-2023

Date of Decision: 09.03.2023

OSAF KHAN

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Satish Chaudhary, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein seeks quashing of order dated 09.02.2023 (Annexure P-1) whereby he has been transferred by way of deputation fifth time in a short span of one year, which is in violation of transfer policy. He has also prayed that he be retained at the present place of posting.

Counsel appearing on behalf of the petitioner would submit that the petitioner is a Peon and due to superannuate in May, 2024. It is submitted that the said transfer, even though on deputation, is against the policy of the government.

Notice of motion.

At this stage, Mr. Anant Kataria, DAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 and 2. Appearance has also been caused by Mr. Sanjeev Kaushik, Advocate and Ms. Divyanshi Kaushik, Advocate, on behalf of respondents No.3 and 4. It is submitted by counsel appearing on behalf of respondents No.3 and 4 that in fact the services of the petitioner have been placed at the disposal of respondent No.4 on account of the fact that there is a decision to downsize and eventually close the Coop. Bank where petitioner is presently posted and it is in such an

eventuality that the employees are being adjusted in different departments.

At this stage, counsel appearing on behalf of the petitioner submits that the petitioner would be satisfied in case the instant writ petition itself may be treated as a representation and a speaking order is passed thereon in accordance with law, in a time bound manner.

Having heard learned counsel for the parties and taking into consideration that the petitioner has been sent on deputation 500 kilometers from his current place of posting and that he is to due to superannuate in May 2024, this Court deems it appropriate to direct the respondents to see whether he can be adjusted either at the current place of posting or anywhere close by within the radius of 50 kilometers.

Without commenting on merits of the case and keeping in view the limited prayer made, the instant petition is disposed of with a direction that the instant writ petition itself shall be treated as a representation on behalf of the petitioner and would be decided by respondent No.3, within a period of one week, from the date of receipt of certified copy of this order, and consider the petitioner to be adjusted either at the current place of posting or at least any place close by preferably within the radius of 50 kilometers.

Needless to say, the petitioner will be at liberty to challenge file a petition afresh in case any grievance still existed.

(JAISHREE THAKUR)
JUDGE

09.03.2023
sanjeev

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