

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP No.8409 of 2023
Date of decision:08.05.2023

Sat Pal Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Sonak, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

SUVIR SEHGAL, J. (Oral)

1 Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned transfer order dated 19.01.2023 (Annexure P-2), whereby, the petitioner, who is 57 years of age and is posted as Assistant, has been transferred from Public Health Engineering Division, Charkhi Dadri to Head Office, Panchkula, i.e., the distance of more than 250 kilometers.

2. Counsel for the petitioner submits that the transfer order was passed in January, 2023 and the petitioner is due for retirement on 28.02.2024. By referring to the averments made in para 7 of the petition, he has argued that petitioner is suffering from medical ailments and is under treatment. It is his submission that it is difficult for the petitioner to travel a long distance. Still further, he submits that representation (Annexure P-4)

has been submitted to the respondents requesting for sympathetic consideration and for transfer to a station near Sonipat.

3. Written statement has been filed on behalf of the respondents, which is taken on record.
4. State counsel has opposed the petition on the ground that in terms of Rule 12(1) of the Haryana Public Works Department, Public Health Branch, Circle Cadre Rules, 1989, a member of the Service can be posted at any place within the State or outside the State.
5. Having heard counsel for the parties, this Court is of the view that although the transfer order dated 19.01.2023 (Annexure P-2) does not call for any interference, but considering that petitioner is under medical treatment as well as on the verge of retirement, writ petition is disposed of with a direction to respondent No.2 to examine representation (Annexure P-4) within a period of six weeks from the date of communication of copy of this order.

May 08, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No