

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 12658 of 2021 (O&M)****Date of Decision: 03.05.2023**

Gursharan Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sahil Sharma, Advocate
for the petitioner(s).

Mr. Navdeep Chhabra, Senior Deputy Advocate General,
Punjab, for the respondents.

Mr. Amit Sharma (Kanav), Advocate
for the applicant-Malkit Singh).

Anil Kshetarpal, J.

1. The petitioner, while challenging the correctness of his transfer order, prays for the issuance of the writ in the nature of certiorari. It is claimed that the transfer order has been passed as a measure of punishment, though, the charges against the petitioner are not proved.
2. On the other hand, the learned State counsel, on the instructions from Mr. Harjit Singh, District Education Officer (SE), Ludhiana, submits that the petitioner is continuously posted at the Government Senior Secondary School, Bhadla Nicha, District Khanna, since 2009 and he cannot claim being posted at the same place as a matter of right.
3. Undoubtedly, the transfer is an element of service. It is not one of the punishments prescribed under the Punjab Civil Services (Punishment

and Appeals) Rules, 1970. The departmental inquiries are pending against the petitioner.

4. Keeping in view the aforesaid facts, the transfer order will be read as a simplicitor order of transfer. With this clarification, the present writ petition is disposed of.

5. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

May 03, 2023
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No