

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 12807 of 2022

Date of Decision: 16.03.2023

Harpreet Kaur Sandhu

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep Bansal, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab, for the respondent No.1 to 6.

Mr. Nikhil Batta, Advocate
for the respondent No.7.

Anil Kshetarpal, J.

1. On 23.02.2023, this Court has passed the following order:

“CM-1978-CWP-2023

For the reasons stated in the application, the same is allowed. The writ petition is restored to its original number and be taken up for hearing on the board.

CWP-1287-2022

The learned counsel representing the petitioner has filed replication to the written statement filed by the respondent No.1, 2, 4, 5 and 6 during the course of hearing. The same is taken on record.

The services of the petitioner and the respondent No.7 have been engaged as a District Child Protection Officer on a contractual basis. Initially, the petitioner was engaged in District Kapurthala, whereas, the respondent No.7 was

engaged at District Patiala. As per the terms of the contract, their postings were non-transferable. However, in the year 2018, a decision is stated to have been taken by the governing body of the Punjab State Child Protection Society against the vacant post or on mutual basis with the approval of the Administrative Secretary of the department. However, the petitioner was transferred to Patiala from Kapurthala, whereas the respondent No.7 was transferred to Kapurthala. Subsequently, on the request of the respondent No.7, she was transferred to Mansa. By way of the impugned order, the respondent No.7 has been brought back to District Patiala, whereas the petitioner has been transferred to District Mansa. Prima facie, it is evident that the decision of the governing body dated 06.06.2018 has not been followed. On 12.06.2018, the post of District Child Protection Officer at Patiala was not vacant as it was already occupied by the respondent No.7. However, the transfers were permitted.

Keeping in view the aforesaid facts, the Chairperson of the Governing Body of the Punjab State Child Protection Society is directed to explain the reasons for transfer in violation of the decision taken by the governing body.

List on 28.02.2023 for further hearing, in the urgent list.”

2. The Chief Secretary-cum-Chairperson of the Governing Body of the Punjab State Child Protection Society has filed an affidavit submitting that both the transfer orders passed on 12.06.2018 and 26.05.2022 were inadvertently passed. It has been stated that the petitioner as well as the respondent No.7 shall join at their original place of posting. Para 4 of the affidavit reads as under:-

4. *That it is humbly submitted that inadvertently both the transfer orders dated 12.06.2018 and 26.05.2022 had been passed by the competent authority in violation of the minutes of*

meeting dated 06.06.2018. After coming to the notice of the competent authority, about this inadvertent violation of the minutes of meeting, it has been decided to rectify the inadvertent mistake done by the then erring officers/officials. It is further submitted that transfer orders dated 12.06.2018 & 26.05.2022 have been withdrawn vide orders dated 14.03.2023. The petitioner as well as Respondent No.7 shall join their original place of posting. A copy of the withdrawal orders dated 14.03.2023 is annexed herewith as Annexure R-1. However, it has been decided to conduct the fact finding enquiry to fix the responsibility of the erring officers/officials followed by a departmental action.”

3. In substance, the petitioner challenges her posting by way of transfer. The scope of judicial review in the cases related to transfer is extremely limited.

4. Keeping in view the stand taken in the written statement, this Court does not find it appropriate to pass any further order. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

March 16, 2023

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No