

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

228

CWP-10648-2023
Date of Decision: 20.12.2023

VAJID ALI

... Petitioner

VERSUS

INDIAN RED CROSS SOCIETY AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Malkit, Advocate for
Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. K.K. Gupta, Advocate for respondent No.2.

Mr. Kunal Jindia, Advocate for respondent No.3.

SANDEEP MOUDGIL, J. (ORAL)

Prayer in the present petition is for quashing the order dated 11.05.2023 (Annexure P-16) whereby the petitioner has been transferred from Palwal to Rewari; because the petitioner has been transferred 09 times in about 06 years causing great mental and physical agony and hardship to the petitioner as well as his family members.

Precisely, the case of the petitioner is that he had been appointed as Secretary, District Red Cross Society, Nuh on 22.08.2024 and since then he has been doing his job with utmost sincerity and has got excellent unblemished service record. It is further contended that one Mr. D.R. Sharma, General Secretary was posted on 05.12.2016. He is the functional head of all the District Red Cross Societies. It is further averred that w.e.f. 06.06.2017 to 11.05.2023, the petitioner has got nine transfers and sometimes with dual charge. The petitioner has not even been allowed to work at a station for a period of 12

month i.e. for a year. Such frequent transferred has shattered the petitioner and his family. The period of working and transfers during the period from 06.06.2017 to 11.05.2023 has been duly given in paragraph No.15 at Page 29 of the paper book. It is also averred in the petition that the last transfer order dated 11.05.2013 has been issued due to malafide intention against the petitioner. It is also alleged that certain politically active persons also tried to influence the petitioner to work according to their convenience. Otherwise, the petitioners was threatened to be transferred. It is also averred that there is transfer policy to regulate the transfers of the District Red Cross Societies, which has given a free hand to the respondents and therefore, they have acted in a most arbitrary manner, which has severely impacted the petitioner and his family members. Hence, this petition.

A short reply has been filed by the respondents No.1 and 2, which has been gone into by this Court meticulously. Apart from the citing certain case laws, it has been mentioned therein that the petitioner has been filing frivolous petitions on vague grounds. In fact, the petitioner is resident of Nuh and wants to be posted in or around his home district i.e. Nuh. It further submitted that the said Mr. D.R. Sharma has retired on 29.04.2022, but still the petitioner is levelling allegations against him. It is further submitted that all the transfers are made in the interest of public work/convenience and to manage the man power. Hence, dismissal of the present petition has been prayed for.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

Having heard both the parties, this Court does not dispute the case laws cited by both sides. It is also not a disputed fact that the transfers are made

to manage the man power, public convenience and in the interest of official duties. But such transfer orders must not appear to be malicious or malafide. Generally, an officer/official becomes due to be transferred after a period of 2½ to 03 years, whereas, the petitioner in the present case has undisputedly been transferred for 09 times within a period of six years and has not been allowed to work at a station for at least a complete year. Such act and conduct on the part of the respondents is certain not appreciable and becomes surrounded by suspicion. Moreover, there is no complaint against the work, conduct and/or the dignity of the petitioner. There service of the petitioner is quite clear and unblemished. Even the respondents have failed to justify the alleged 09 transfer within such a short span of six years. There must be some other officials working in the said society. Why every time the petitioner is being transferred from one place to another within a period of less than one year. There no plausible explanation qua this on the part of the respondents.

In view of the above discussion and observations made by this Court, the present petition is allowed and the impugned order dated 11.05.2023 (Annexure P-16) is hereby quashed.

20.12.2023
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No