

CWP-18488-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP-18488-2021

DATE OF DECISION:- 21.03.2023

VISHNU KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.K. Malik, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A.G., Haryana
for the respondents.

SUVIR SEHGAL, J. (ORAL)

Prayer in the instant petition is for quashing of impugned transfer order dated 14.09.2021, whereby the petitioner, who is posted as Deputy Excise and Taxation Commissioner, has been transferred from Fatehabad to Gurugram.

Heard counsel for the parties.

By order dated 16.09.2021, this Court ordered status quo qua the transfer of the petitioner considering his critical medical condition. The petitioner had pleaded that he is undergoing medical treatment at AIMS, Jodhpur and has been advised hip surgery, which was scheduled for October, 2021. State counsel has invited the attention of the Court to the averments of the miscellaneous application filed by the State (CM-1274-CWP-2023), wherein it has been submitted that the petitioner underwent hip replacement and remained hospitalized from 12.10.2021 to 31.10.2021. It has been further submitted therein that the petitioner availed half pay leave on medical grounds for this period and

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submitted joining report on 02.11.2021, Annexure R-10. It has been further submitted that the purpose for which the writ petition has been filed has been fulfilled and there is no justification in allowing the petitioner to continue to work at Fatehabad.

Although, counsel for the petitioner submits that the petitioner is recovering from surgery, but he has not been able to refer to any document to support this assertion nor it is his case that the petitioner is bed ridden and is not discharging his duties.

Not only this, petitioner had inter-alia pleaded that he is being transferred in violation of the online policy, which provides a minimum stay of five years at one station. Petitioner has been continuing at Fatehabad since December, 2017. Therefore, even this ground does not survive.

Transfer of an employee is a part of service conditions and is an incidence of service. An employer is not required to justify or to assign any reason for transferring an employee from one station to another. On the other hand, an employee cannot insist that once posted at a particular station, he should continue at the same place as long as he desire.

In view of the above discussion, there is no merit in the petition, which is hereby dismissed.

Pending application stands disposed of.

21.03.2023 (SUVIR SEHGAL)
Kamal JUDGE

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