

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-17843-2023 (O&M)
Date of Decision:-17.8.2023

Anmol MittalPetitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nitin Verma, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 14.8.2023 (Annexure P-2) passed by Superintendent/N.G.E.-2, Water Resource Department vide which the petitioner has been ordered to be transferred from Devigarh Canal and Ground Water Division, Water Resource Department, Patiala, Punjab to Faridkot Canal and Ground Water Division, Water Resource Department, Faridkot, Punjab alongwith 5 other employees.
2. Learned counsel for the petitioner while assailing the aforesaid transfer order dated 14.8.2023 (Annexure P-2) has referred to para No.1.2 of the Policy regarding transfer of Government Employee dated 23.4.2018 (Annexure P-4), which reads hereinunder:

“1.2 (A) Employee of Group ‘C’ cannot posted on same station for more than 10 years in entire service. The policy of 10 years will not

be applicable in case the district/department has only one post on which no one other can be posted.

(B) No Employee of Group 'C' can stay on same station for more than 5 years. In case any officer/employee has posted for more than 3 years on same seat, he can only be posted back on same seat after a gap of atleast 2 years (After covering Cooling off period).

(C) That the employee belonging to Group 'C' should not be transferred before two years of service. But based on the administrative purposes or the serious personnel issues of employee, transfers can be made prior to two years of service by concerned authority taking the appropriate reason on record."

3. Learned counsel for the petitioner submitted that sub para 'C' of the aforesaid para clearly shows that an employee is not to be transferred from a station before expiry of 2 years unless it is for administrative purposes or there are serious personal issues. Learned counsel for the petitioner submitted that it was barely about 6 months back that he had been posted at Rajpura from Ziledari Bhawanigarh in District Sangrur, where he had remained posted for about 6 years.
4. This Court has considered the aforesaid submissions.
5. Needless to mention that the transfer policy dated 23.4.2018 (Annexure P-4) is more or less directory in nature. In the present case, the petitioner had remained posted at Ziledari Bhawanigarh in District Sangrur for a good 6 years before being transferred to Patiala about 6 months back. Ziledari Bhawanigarh in District Sangrur is barely about 45 kilometers away from Rajpura, where he has been posted. In any case, it is for the employer to see as to how the administrative functions can run smoothly. It cannot be said that

the petitioner is being victimized in any manner inasmuch as apart from the petitioner 5 other employees have been ordered to be transferred vide impugned order dated 14.8.2023 (Annexure P-2). In any case this Court does not deem appropriate to interfere in the impugned transfer order dated 14.8.2023 (Annexure P-2). The instant petition is sans merit and is hereby dismissed.

17.8.2023

pankaj

(Gurvinder Singh Gill)
Judge

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