

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24009 of 2019 (O&M)
Date of decision: 27.03.2023

Naresh Kumar

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J(Oral)

On 02.09.2019, the following order was passed:-

“Inter alia contends that within a short span of 10 months, petitioner has been transferred for the third time, vide order dated 27.08.2019(Annexure P-6), in violation of the transfer policy dated 25.05.2018(Annexure P-2). Learned counsel for the petitioner points out that being a couple case, petitioner has not been accorded the benefit of Clause 2(d) of the policy which envisages that in case where both husband and wife are Government servants, they are to be posted at nearby stations. He further submits that transfer policy envisages that ordinarily minimum period of posting at one place should be three years, as per Clause 2(g) thereof. He further points out that impugned transfer order(Annexure P-6) has been passed after the calendar year transfers for the year 2019 were finished and, therefore, without obtaining prior approval from the Principal Secretary, petitioner could not have been transferred.

Notice of motion, returnable for 25.11.19.

In the meanwhile, operation of impugned transfer order dated 27.08.2019(Annexure P-6) shall remain stayed qua the petitioner till the next date of hearing.”

The learned counsel representing the petitioner upon realizing that the maximum period for stay on a particular post at a particular place as per the policy is over, submits that the writ petition is required to be disposed of.

Ordered accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

March 27, 2023
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(ANIL KSHETARPAL)
JUDGE

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