

CWP No. 18594 of 2023

2023:PHHC:110753

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP No. 18594 of 2023

Date of Decision : 24.08.2023

Bijender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balkar Singh, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that by the impugned order dated 16.08.2023 (Annexure P-3), the petitioner has been transferred at a far off place, which is arbitrary and illegal. Learned counsel for the petitioner further submits that the present transfer has been effected keeping in view the request made by the respondent No. 6 and the petitioner has been dislodged from his present place of posting, which is arbitrary and illegal. Learned counsel for the petitioner submits that the petitioner, who is a handicapped, should have been adjusted at a nearby station rather than being transferred to a far off place.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

It may be noticed that not only the petitioner but even the private respondent No. 6 is a physically handicap employee and the

degree of disability qua respondent No. 6 is much more as compared to the petitioner. Further, the petitioner has completed more than nine years at the present place of posting and cannot claim that he should be allowed to continue to serve at the same station for all time.

Keeping in view the fact that transfer effected by the employer cannot be challenged before the Court unless and until the same have been done with mala fide intention and in the present case, no mala fide has been attached to anyone, hence, no interference is called for by this Court with the impugned order dated 16.08.2023 (Annexure P-3).

Qua the factum that petitioner should have been adjusted at a nearby place, the petitioner is given liberty to approach the respondents by filing an appropriate representation giving the details of the nearby stations where he can be accommodated.

The respondents are directed that in case, any such representation is received, the same be decided within a period of three weeks of the receipt of the same by passing an appropriate speaking order.

Petition is disposed of in above terms.

August 24, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No