

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

126

CWP-19702-2023

Date of Decision : 14.09.2023

Harchand Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.R.D.Bawa, Advocate and
Mr. Samuel Gill, Advocate
for the petitioner.

Mr. Shivoy Dhir, Sr. Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 26.06.2023 (Annexure P-3) whereby he has been transferred from Ganga Nagar, Rajasthan to 1165 IWPL, Headquarters, 31 BRTF, Project Sampark, J & K.
2. Learned counsel for the petitioner submits that the petitioner was posted at Ganganagar because wife of the petitioner is suffering from neuro problem and she is getting treatment from PGI, Chandigarh. The family of the petitioner is staying at Chandigarh. The left over service of the petitioner is less than one year, thus, the petitioner is entitled to protection in terms of para 19 of the transfer policy of the respondent.

3. Learned counsel for the respondents submits that vide circular dated 03.10.2022, the competent authority has clarified that personnel posted on compassionate ground may be transferred despite their left over period is less than two years. The petitioner, at present, is posted on compassionate ground, thus, he may be transferred as per his service profile.
4. Faced with this, learned counsel for the petitioner submits that the petitioner may be permitted to withdraw present petition with liberty to move an appropriate application before the competent authority.
5. Dismissed as withdrawn with liberty aforesaid. If the petitioner moves representation to the respondent, it is expected that respondent would sympathetically consider case of the petitioner because left over tenure of the petitioner is less than one year.

14.09.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>