

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20572-2023

Date of decision: 15.09.2023

Surinder Pal Singh

.....Petitioner

V/s

*Chairman-cum-Managing Director Punjab State Power Corporation Limited
and another*

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Kulbhushan Raheja, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 08.09.2023 (Annexure P-4) vide which the petitioner is transferred from the present place of posting D.S. Division Patti and placed at the disposal of the BBMB against a vacant post and with a further prayer that operation of the impugned order dated 08.09.2023 (Annexure P-4) may be stayed during the pendency of the present petition.

Learned counsel for the petitioner submits that the petitioner is resident of Ferozepur, who has been transferred from DS Division Patti at the disposal of the BBMB against a vacant post. He submits that he is having two children, who are studying. Further, the wife of the petitioner is a household lady and is suffering from number of ailments i.e., blood cancer which is of second stage along with multiple ailments, whose medical records are annexed herewith

as Annexures P-1 and P-2. Learned counsel further submits that the petitioner has been frequently transferred from one place to another and in his service tenure of 24 years, he has been transferred 30 times and petitioner is a victim of frequent transfer and the present transfer is punitive in nature. Learned counsel also prays that keeping in view the medical condition of the wife of the petitioner, his transfer be considered and he be transferred in nereby alternative stations and he relies upon the judgment passed in *SWP No.370 of 2006* dated 24.03.2006 titled *Dr. Parveiz Ahmad Vs. State and others* where, in similar circumstances, the transfer authorities were directed to ensure that in view of the disease, the petitioner was ordered to be posted in nereby station to enable him to get necessary medical treatment, whereas, in the present case the only difference is here the petitioner’s wife is the patient who is unable to take care of herself and requires assistance and company of her husband to lookafter herself which is medically essentially required.

Mr. Vinod Ghai, Sr. Advocate AG, Punjab with Mr. Amanpal, Addl. A.G Punjab and Mr. Himanshu, Advocate, have put in appearance on behalf of the respondents-PSPCL and submits that if the petitioner submits any fresh representation qua aforesaid submissions, the same can be looked into.

Keeping in view the facts and circumstances of the present case, the petitioner is directed to file fresh representation before the competent authority i.e., respondent No.1, which shall be decided sympathically within a period of 10 days from the date of receipt of certified copy of this order.

The present petition is disposed of accordingly.

(DEEPAK MANCHANDA)
JUDGE

15.09.2023
Sapna

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No