

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26581-2022 (O&M)
Date of Decision:27.07.2023

VIKAS VERMA

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

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

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/277 of the Constitution of India is seeking setting aside of order dated 11.11.2022 whereby petitioner has been relieved from the Ambala office of respondent No.4 and transferred to Lucknow Division.

2. Learned counsel for the petitioner *inter alia* contends that petitioner is working as constable with Railway Protection Force. The petitioner was transferred from Mumbai to Ambala on the basis of couple case. The wife of the petitioner is working as constable with State police.

The petitioner was served relieving order, however, he was never served with transfer order and Annexure R-4 enclosed with reply does not disclose the exigency which compelled the respondent to transfer the petitioner from Ambala to Lucknow within 1 year from the date of his earlier transfer. The petitioner was transferred on the basis of couple case and transfer of petitioner from Ambala to Lucknow is against

the rules. The transfer order has been passed without obtaining approval of the competent authority.

3. Learned counsel for the respondents submits that transfer order dated 11.11.2022 is enclosed with the reply, thus, it stands served to the petitioner. In the transfer order, it is specifically mentioned that order was passed with the approval of competent authority.

Despite these facts, learned counsel for the respondents submits that if petitioner files any representation within week from today, the appropriate authority would look into the matter and pass an appropriate order.

4. In view of statement of learned counsel for the respondents, the present petition is disposed of with liberty to petitioner to file representation on or before 04.08.2023 with respondent. If he does so, the respondent, thereafter, shall pass an appropriate order.

5. The protection granted vide interim order dated 21.11.2022 passed by this Court would continue till the date of passing of fresh transfer order by the competent authority provided petitioner files his representation by 04.08.2023.

6. Pending misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)

JUDGE

27.07.2023

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