

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

CWP-28307-2022 (O&M)

Date of decision: 25.01.2023

Indra Rani and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ritesh Aggarwal, Advocate for the petitioners
Mr. D.K.Singal, Addl. AG, Punjab
Mr. K.S.Dadwal and
Mr. Akhil Dadwal, Advocates for respondent no.5

ANIL KSHETARPAL, J (Oral)

The petitioners are working as Staff Nurses in the State of Punjab. On being selected, they were appointed in the Punjab Health Department and were posted in the Guru Gobind Singh Medical College, Faridkot. The aforesaid Medical College was subsequently transferred to the Baba Farid University of Health Sciences on 31.10.2006 but the staff was not absorbed in the cadre of the University and was kept as the State cadre but was declared to be a dying cadre. The services of the petitioners are regulated by the Punjab Health and Family Welfare Technical (Group C) Service Rules, 2007, which have been substituted with the Punjab Health and Family Welfare Technical (Group C) Service Rules, 2016. The petitioners are the members of the State cadre. As per the Rules, they can be posted anywhere in the State of Punjab. On 09.03.2021, the Cabinet took a decision to bifurcate the common cadre of the Health and Family Welfare Department and Medical Education and Research while giving an option to the employees to opt for any of the two separately

created cadres. The petitioners opted for the cadre of the Health and Family Welfare. Thereafter, the petitioners have been given a posting at the Sub Divisional Hospital, Samana, District Patiala. The correctness of such order of their transfer is assailed in the present writ petition.

Learned counsel representing the petitioners contends that out of 15 Staff Nurses, 12 have been posted in the Sub Divisional Hospital, Samana, District Patiala, which is a constituency of the then Health Minister. He submits that in the absence of any transfer policy, the petitioners could not be transferred at a distance of 200 kms. It is further submitted that petitioner no. 1, 2 and 11 are likely to superannuate within a period of next two years.

The respondents-State has opposed the petition by filing a detailed reply. It has been submitted that the petitioners have been posted in accordance with the requirement of the staff at the said hospital. The scope of judicial review in such kind of matters is limited where a specialized body is made for the said purposes. Hence, no ground to issue the writ, as prayed for, is made out.

Dismissed.

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

25.01.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE