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

CWP-25332-2023 (O&M)
Date of Decision: 09.11.2023

Rajwinder Kaur

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. GPS Bal, Advocate, for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition has prayed for issuing writ in the nature of certiorari for quashing/setting aside the order dated 23.10.2023 whereby the Department instead of issuing an order relating to allegations of the petitioner, has allegedly threatened the petitioner to join duty at the concerned place of posting where she was transferred.
2. This Court notices that in the earlier writ proceedings, the petitioner had challenged the transfer order whereby she had been transferred to Rasulpur. Noticing that this Court was not ready to interfere with the transfer order, learned counsel prayed to withdraw the petition with liberty to submit representation before the respondent authorities, and this Court made observations allowing her to file her representation.

3. The department did not accede to her representation and directed her to join at the place of posting vide order dated 23.10.2023, but she has again come before this Court.
4. A Government servant is required to be ready for posting at any place in the State, that is the basic condition of service, and in exigencies of service, the State authorities are inherently empowered to transfer an employee from one place to another. The orders are required to be complied with.
5. If a person is not ready to join, the only option available with her is to submit a representation, and if she is still adamant, the only option available with the Department is to initiate departmental enquiry against her for disobedience of orders.
6. The petitioner appears to have taken an obstinate stand of not joining at the place of posting. The approach taken by the petitioner cannot be appreciated. The excuse taken by the petitioner of being unwell is also not satisfactory, as the disease pointed out in the writ petition that she is suffering from UTI cannot be said to be of such a nature where a person can be prevented from joining duties at the place of posting.
7. Leaving it open to the petitioner to join, it is also made clear that if the petitioner does not join her duties, the department would be free to take all measures as available under the Punjab Civil Services (Punishment and Appeal) Rules, 1970, to see that the orders passed by the Government are complied with.

8. Writ Petition is wholly frivolous and is accordingly *dismissed* with costs of Rs.10,000/- to be deposited with the State Government and to be deducted from the salary of the petitioner.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 09, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |