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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2219-2024
Date of decision: 01.02.2024

JAGDISH KUMAR

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. S. Momi, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ, order or direction especially a writ in the nature of certiorari for quashing the transfer order dated 10.01.2024 (Annexure P-4) passed by respondent No.1 qua the petitioner and further to quash the order dated 16.01.2024 (Annexure P-6), vide which the representation moved by the petitioner against the transfer has been dismissed by respondent No.2.

2. Learned counsel for the petitioner submitted that it is a case where the petitioner has been transferred vide order dated 10.01.2024 (Annexure P-4) only on the ground that he was serving in his home division, which is contrary to point No.5(viii) of the Transfer Policy. He further submitted that in fact the aforesaid position is factually incorrect because the home division of the petitioner, even so reflected in his service record, is SDO No.2 UHBVNL,

Kaithal and the petitioner was working in the office of SDO No.1 UHBVNL, Kaithal and therefore, the home division of the petitioner was totally different. He also submitted that the reason as to why SDO No.1 UHBVNL, Kaithal was considered to be the home division of the petitioner was that the petitioner had a temporary address, which was reflected in his Aadhar Card and the same was also reflected on the portal as well but that would not mean that his home division would be changed only on the basis of his Aadhar Card. He further submitted that the action of the official respondents is totally arbitrary in this regard being factually incorrect.

3. Notice of motion to respondents No.1 to 5 only.

4. On the asking of the Court, Mr. Samarth Sagar, Addl. A.G., Haryana, who is also present in the Court, accepts notice on behalf of the respondents No.1 to 5. He submitted that so far as the grievance of the petitioner that the aforesaid transfer order was based upon factually incorrect position, the same can always be re-considered and decided by the competent authority in accordance with law, to which he has got no objection.

5. In view of the aforesaid position, this Court deems it fit and proper to dispose of the present writ petition at this stage without calling for the reply from the official respondents and also without expressing anything on the merits of the case.

6. Consequently, the present writ petition is disposed of with a direction to respondent No.2-Managing Director, UHBVNL, Shakti Bhawan, Sector-6, Panchkula, Haryana to look into the issue himself with regard to the plea of the petitioner pertaining to the factual error as being committed by the transferring authority by considering the home division of the petitioner to be

SDO No.1 UHBVNL, Kaithal, whereas as per the learned counsel for the petitioner, the home division of the petitioner is SDO No.2 UHBVNL, Kaithal as per his service book. The respondent No.2 shall pass an order on the same within a period of two weeks from today and the same shall be conveyed to the petitioner as well.

7. At this stage, learned counsel for the petitioner submitted that in pursuance of the transfer order dated 10.01.2024 (Annexure P-4), the petitioner has not been relieved as yet.

8. It is therefore directed that till the decision of respondent No.2- Managing Director, UHBVNL, Shakti Bhawan, Sector-6, Panchkula, Haryana, *status quo* as it exists today shall be maintained pertaining to the transfer of the petitioner.

01.02.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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