

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-2320-2024
Date of Decision: 14.02.2024

Samunder Singh ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Rakesh Nagpal, Advocate for the petitioner

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents not to consider the petitioner's case in the Transfer Drive of Junior Engineer (Civil), 2024.

2. Learned counsel for the petitioner contends that the petitioner's study leave period of three years need to be excluded while considering duration of stay in Charkhi Dadri Division, and on that basis he should be kept out of the transfer drive. The petitioner was also given option to fill-up Charkhi Dadri as one of the stations in the Online Transfer Drive. Therefore, he should be allowed to continue at the same place of posting.

3. Learned State counsel, appearing on advance notice, on instructions, submits that the petitioner has been continuing in Public Health

Engineering Department, Charkhi Dadri Division, for the last about eleven years and six months, and remained posted at Dadri during the study leave period also. He further contends that the option to fill-up Charkhi Dadri Division as a station for the petitioner was wrongly shown on the Department portal due to a technical glitch in the website which was later corrected. And, vide memo dated 08.02.2024, he was asked to give choices of station once again as the earlier choices were considered null and void on account of the glitch. The last date for submission of options was also extended up to 09.02.2024. Pursuant thereto, the petitioner has given two stations of his choice, i.e., PHE Division No.3 Palwal and PHE Division Punhana; and the second option has been accepted.

4. There is nothing on record, nor any provision of the Online Transfer Policy has been referred to, which excludes the period of study leave granted to an employee from the duration of his stay at a particular station. Besides, the petitioner has already opted for the stations of his choice, and one of the options has been accepted also.

5. In view thereof, there is no ground to entertain the petition.

6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

14.02.2024
Payal

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