

CWP-5815-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-5815-2024
Date of Decision: 13.03.2024

Sombir Singh ...Petitioner(s)

Versus

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

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Rajesh Dhankhar, Advocate for the petitioner
Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed for setting aside the order of transfer dated 06.03.2024, Annexure P-4, *qua* the petitioner, who has been transferred from YWS Circle Bhiwani to WS Division, Palwal.

2. It is contended that the petitioner is working as a driver in the respondent Department, and is due to superannuate from service with effect from 30.04.2025. However, he has sought voluntary retirement with effect from 31.12.2024 by submitting a request to that effect vide letter dated 28.02.2024, Annexure P-3, which has been duly recommended by the Superintending Engineer. However, before the request could be considered, the petitioner has been transferred vide the impugned order dated 06.03.2024.

Learned counsel has referred to Clause 9 (a) of the Online Transfer Policy of

Drivers (Light Vehicle Driver) dated 10.08.2021, wherein drivers having less

than twelve months to retire on the next transfer drive, are not to be transferred unless they desire to participate in the drive. The petitioner has not so desired, still he has been transferred. It is also contended that the petitioner will make a representation in terms of Clause 6 (vi) of the Policy to the concerned authority against the transfer.

3. Learned State counsel, appearing on advance notice, submits that in case any such representation is filed by the petitioner, the same will be considered in the light of Policy as well as the fact that he has submitted request for voluntary retirement from service with effect from 31.12.2024.

4. In view of the statement made, the petition is disposed of granting five days' time to the petitioner to file a representation before respondent No.2. In case any such representation is filed, the same shall be decided by respondent No.2/Engineer-In-Chief, Irrigation & Water Resources Department, by passing a speaking order in accordance with law, within a period of four weeks from the date of receiving the representation; till then, the petitioner shall not be relieved from the present place of posting.

(TRIBHUVAN DAHIYA)
JUDGE

13.03.2024
Payal

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