

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6149-2024
Date of decision: 15.03.2024

LUCKY GUPTA

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sandeep Sharma, 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 in the nature of *certiorari* for setting aside the impugned order dated 15.02.2024 (Annexure P-6), vide which the petitioner has been directed to join the Government Central Workshop, Hisar.
2. Learned counsel for the petitioner submitted that in the present case, the transfer policy has been violated and the petitioner has not even completed three years of his total tenure. He further submitted that the mother of the petitioner is suffering from Meigs Syndrome (Neurological Disorder) for the last two years, which is a rare disease and she is totally dependent on the petitioner as he is the only male person to take care of his mother. He further submitted that the mother of the petitioner is getting treatment from Medanta Hospital, Gurugram and presently the petitioner is posted at Jind, whereas now he has been transferred to Hisar and in this way, acute difficulty will be caused to the petitioner and his prayer on compassionate basis may also be considered

in this regard. He also submitted that the petitioner will file a detailed representation to the Director, State Transport Haryana, Chandigarh, who has passed his transfer order by attaching all the documents pertaining to the same and the same may be directed to be considered in accordance with law.

3. I have heard the learned counsel for the petitioner.
4. During the course of arguments, learned counsel for the petitioner has restricted his prayer only to the extent that since the mother of the petitioner is suffering from acute illness as stated above and it will be difficult for the petitioner to take care of her because he repeatedly has to go to Medanta Hospital, Gurugram with his mother, which is relatively close to Jind as compared to Hisar, his representation may be considered in the light of the aforesaid factual position. This Court is of the view that considering the aforesaid factual position as stated by the learned counsel for the petitioner, liberty is granted to the petitioner to move an appropriate representation before the Director, State Transport Haryana, Chandigarh in this regard by attaching any document which he deems to be fit. In case such representation is filed by the petitioner before the Director, State Transport Haryana, Chandigarh, then the Director, State Transport Haryana, Chandigarh will consider the same in the light of the aforesaid factual position and in accordance with law and pass an order within a period of one week thereafter.
5. Consequently, the present writ petition is disposed of in the aforesaid terms.

15.03.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No