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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6566-2024

Date of Decision:19.03.2024

AMARDEEP ALHAN

..... Petitioner

Versus

GENERAL MANAGER (REGION), FCI PKL AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Sunlish Bindlish, Advocate
for the respondents-FCI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of transfer order dated 11.03.2024 (Annexure P-1) whereby he has been transferred from CWC Assandh (Karnal) to Panipat.

2. The petitioner is working with respondent-FCI as Technical Officer. He is responsible to receive stock of rice. The respondent has transferred him from CWC Assandh (Karnal) to Panipat. While passing impugned order of transfer, the respondent has jotted down that petitioner is withdrawn from CMR acceptance and shall be assigned non-sensitive work.

3. Mr. D.P.S. Bajwa, Advocate submits that impugned order is not a simpliciter transfer order whereas it is stigmatic and punitive in nature. The said order would adversely affect his career. He has made

representation dated 07.03.2024 (Annexure P-8) to respondents to re-test alleged BRL.

4. Notice of motion.
5. Mr. Sunlish Bindlish, Advocate accepts notice on behalf of the respondent-FCI and waives service.
6. With the consent of both sides, the matter is taken up for final disposal.
7. Mr. Sunlish Bindlish, Advocate expressed his inability to controvert the fact that petitioner has not only been transferred but has also been withdrawn from CMR acceptance and ordered to be assigned non-sensitive work. It is settled proposition of law that High Court should not interfere in transfer matters. It is the employer who has to decide nature of work as well as place of posting of its employees as per its requirement, however, this Court cannot lose sight of the fact that impugned order is not a simpliciter transfer order. It prima facie seems to be stigmatic/punitive, thus, respondents are hereby directed to look into representation dated 07.03.2024 (Annexure P-8) of the petitioner and pass an appropriate order after considering evidence on record. The needful shall be done within 2 weeks from today.

(JAGMOHAN BANSAL)

JUDGE

19.03.2024

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No