



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

115

CWP-10868-2024

Date of decision: 10.05.2024

RAJESH KUMAR

....PETITIONER

Vs.

FOOD CORPORATION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Sunish Bindlish, Senior Standing Counsel and
Mr. Vinay Kumar, 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 order dated 01.05.2024 (Annexure P-4) whereby he has been transferred from Jind (Haryana) to Rajasthan.

2. Mr. S.K. Verma, Advocate submits that as per Clause 11.2(d) of Transfer Policy framed by respondent vide circular dated 22.03.2021 (Annexure P-5) where one spouse is employed in FCI and another under the State Government or Central/State PSU, the spouse employed under FCI may apply to Competent Authority which may post the said employee to the station or if there is no post in that station, to the State where the other spouse is posted. The petitioner's wife is posted at Hisar as Government School Teacher.

The petitioner, in violation of transfer policy, has been transferred from Haryana to Rajasthan whereas many similarly situated employees, despite completion of 10 years of service, have been transferred within region.

3. Notice of motion.
4. Mr. Sunish Bindlish, Senior Standing Counsel, who on advance notice is present in Court, accepts notice on behalf of respondents-FCI and submits that petitioner has not been served impugned transfer order and till date no relieving order has been passed. He has filed representation dated 03.05.2024 (Annexure P-6) and it is still pending before Competent Authority which would consider his claim in terms of transfer policy as well as case of similarly situated employees and pass an appropriate order.
5. In the wake of statement of Mr. Sunish Bindlish, Senior Standing Counsel, the present petition stands disposed of.

10.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No