



**CM-13932-CWP-2024 in/and
CWP-19117-2023**

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

(107)

**CM-13932-CWP-2024 in/and
CWP-19117-2023
Date of Decision : September 04, 2024**

Uma Shankar

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Neesh Garg, Advocate, for the petitioner.
(joined through VC)

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-13932-CWP-2024

Present application has been filed for preponing the date of hearing of the main writ petition i.e. CWP-19117-2023, which now stands adjourned to 15.10.2024.

Notice of the application to the counsel opposite.

Mr. Swapan Shorey, learned Deputy Advocate General, Punjab, accepts notice on behalf of the respondents. He raises no objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing the main petition i.e CWP-19117-2023 is preponed from 15.10.2024 to today.



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1. In the present writ petition, the grievance being raised by the petitioner is that his transfer to a particular station was withdrawn, which is causing prejudice to the petitioner. The impugned order was passed in March, 2023 (Annexure P-4).
2. Learned counsel for the petitioner submits that once the petitioner was posted at a particular school i.e. at Mukstar Sahib, the petitioner should have been allowed to continue rather than withdrawing the said posting.
3. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that the posting of the petitioner at Mukstar Sahib was with certain conditions. One of the condition was that in case there is no post, the posting order will not be implemented and keeping in view the fact that at Mukstar Sahib, there was no post at the relevant time, the posting of the petitioner at Mukstar Sahib was withdrawn.
4. The respondents have further stated that after the passing of the impugned order, the petitioner again participated for transfer process with the option to be posted at any station in Fazilka which was also considered but the petitioner could not be posted there and in case, the petitioner intends to participate in the transfer process for the year 2024, appropriate decision will be taken in case petitioner opt for any station in pursuance to the transfer policy of the year 2024.
5. I have heard learned counsel for the parties and have gone through the record with their able assistance.



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6. The only issue relating is to whether, the petitioner should have been allowed to continue at Mukstar Sahib or not. Once, it has already come on record in the reply that the posting of the petitioner at Mukstar Sahib was with certain conditions including that the post should be available and once, it was found that there was no post available, the said posting was withdrawn, which action of the respondent-Department cannot be termed as arbitrary and illegal.

7. Later on, the petitioner participated for posting in District Fazilka in the year 2023 but was not successful and now, the petitioner can avail the remedy of participating in the transfer policy of the year 2024 if not already participated and therefore, the respondents are directed to consider the claim of the petitioner in accordance with law by passing appropriate order in case he is found eligible to be considered for the posting at the place opted for in the transfer policy of the year 2024, if that exercise is yet to be undertaken.

8. The present writ petition is disposed of in above terms.

September 04, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No