

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-2185-2023 (O&M)

Date of decision:- 15.02.2024

Rajesh Dalal

...Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE**
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Jangjit Singh Dahiya, Advocate,
 for the appellant.

Mr. Rahul Dev Singh, Additional Advocate General, Haryana.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

CM-1092-LPA-2024

For the reasons mentioned therein, the application for pre-ponement is allowed.

Accordingly, hearing in the main appeal is pre-poned to today.

LPA-2185-2023

1. The consideration in the present appeal is to the order dated 14.12.2023, whereby the writ petition filed by respondent No. 5 was allowed and the transfer order dated 11.05.2023 (Annexure P-4) was quashed.
2. The learned Single Judge found that the appellant as such had served at Sonapat for six years i.e. from the year 2016 till 2022 and by virtue of the order of transfer within a period of 11 months he had come back to Sonapat from Gurugram. It was also noticed by the learned Single Judge that the appellant had already completed the maximum period of stay at a station as per the transfer policy and, therefore, in the absence of any administrative exigency as such being pointed out to be accommodated at Sonapat, it was

held that the writ petitioner could not be uprooted who had joined a particular station for 11 months. Resultantly, it was held that the transfer order was at the cost of the writ petitioner who had not completed the minimum period of stay as required under the transfer policy and it was held to be a colourable exercise causing prejudice to the writ petitioner. The order passed by the learned Single Judge is well reasoned and after keeping into consideration all the facts which were raised by the writ petitioner and the present appellant who was arrayed as respondent No. 5 in the writ petition.

3. In such circumstances, we do not find any ground, as such, to interfere in the well reasoned order passed by the learned Single Judge.
4. The appeal being meritless accordingly stands dismissed.
5. All the miscellaneous applications are also accordingly disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS SURI)
JUDGE

15.02.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No