

2025:PHHC:071149



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

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**CWP-15094-2025
Date of Decision: 23.05.2025**

SUBHASH CHANDER AND OTHERS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Parvesh Malik, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to open the portal for Online Transfer Drive for the petitioners in view of the Online Transfer Policy, 2018 for Warders (Male) as the petitioners fulfill the required criterion of a maximum tenure of 05 years at a place, as prescribed in the abovesaid policy.

Learned counsel for the petitioners contends that the petitioners No.1 to 4 are posted as Warder (Male) at District Jail, Panipat, while petitioner No.5 is posted as Warder at District Jail, Gurugram. They have completed six years of their service at their present place of posting. He contends that respondent-State has already notified an Online Transfer Policy, 2018 for Warders (Male). As per the main features, the total period of posting of an employee in the Jail shall not exceed five years in continuation. The same is extracted as under: -

“4. Main Features

XXX XXX XXX

(vii) In ordinary course, the total period of posting of an employee at a Central Jail/District Jail/Open Jail/Observation Home etc., located in a district, shall not exceed 05 years in continuation or on different occasions. However, an employee can be transferred back to a Central Jail/District Jail/Open Jail/Observation Home etc., located in a district, from where he was transferred, on completion of 05 years tenure or earlier due to any reasons, only after a gap of 5 years since the date of his transfer from that district.

XXX XXX XXX”

He contends that notwithstanding the petitioners having served their maximum permissible tenure at their present place of posting, the petitioners are not being permitted to participate in the online transfer drive to be commenced by the respondents. Counsel for the petitioners confines his prayer at this stage only to the extent of issuing a direction to the respondents to consider the present writ petition as a representation and to pass appropriate orders thereupon; and in the event the petitioners are found eligible for being transferred under the Online Transfer Policy, 2018, the online portal for the same should be made available to them.

Notice of motion.

Mr. Tapan Kumar, DAG, Haryana accepts notice on behalf of the respondents and submits that he has no objection to the prayer of the petitioners being accepted.

Accordingly, in view of the above; with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.2 to treat the present writ petition

as a representation and to consider and decide the same by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of fifteen days of the receipt of certified copy of this order.

Needless to mention that upon considering the case of the petitioners, if they are found eligible for transfer as per the Online Transfer Policy, 2018, they shall be allowed to participate in the online transfer drive and conditions, if any, shall also be relaxed in case the time schedule for online transfer drive has already come to an end.

MAY 23, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No