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

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**CWP-15603-2025 (O&M).
Date of Decision:27.05.2025.**

PAWAN KUMAR

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Sunil Kumar Nehra, Advocate,
for the petitioner.

Mr. Rahul Dev, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking removal of his name from the Online Transfer Drive which commenced on seeking option w.e.f. 23.05.2025 to 26.05.2025 vide Memo dated 22.05.2025 whereby the petitioner inadvertently clicked 'Yes' button for voluntary participation despite not wanting to participate in the Online Transfer Driver having completed only 1½ years at the present place of posting, the instant writ petition has been filed.

2 Learned counsel appearing on behalf of the petitioner contends that the petitioner is working as an Assistant District Attorney under the Department of Prosecution, Department of Administration of Justice, Haryana having joined

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on 31.03.2018. He was transferred to the office of DTP, Hisar on 01.09.2023 and is currently posted there. It is submitted that as per the Online Transfer Policy notified by the respondent-Department dated 21.01.2022 for an Assistant District Attorney to be transferred, he has to have served for a maximum period of 05 years at his present place of posting and prior thereto, he may voluntarily seek a transfer by participating in the Online Transfer Drive.

3 It is contended that the Director Prosecution (General), Haryana, had issued Memo dated 22.05.2025 calling for the details of the Deputy District Attorney and Assistant District Attorney who had completed 05 years of stay at a place of posting to submit their consent and their station preference on the HKCL Transfer Portal. The petitioner inadvertently clicked 'Yes' button and verified the same through the OTP received on his mobile number despite he not wanting to participate in the Online Transfer driver. Having realised the bona fide committed by him on account of inadvertence, an immediate request was submitted by the petitioner on 27.03.2025 by sending an email for removing his name from voluntary participation in the online transfer drive. He further submits that the wife of the petitioner suffered a major heart attack on 16.05.2025 and on diagnosis, one of her artery was found 100% blocked and another artery was found blocked to the extent of 80%. An immediate angioplasty was conducted while the subsequent angioplasty is scheduled to be conducted thereafter. He also cites various other personal circumstances and hardships that would ensue as a result of transfer of the petitioner. He contends that the petitioner would have no objection at this juncture in case the respondents are directed to consider the totality of circumstances noticed above

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and as stated in the writ petition by treating same as a representation and to pass a reason and speaking order.

4 Notice of motion.

5 Mr. Rahul Dev, Addl. A.G. Haryana, accepts notice on behalf of the respondents and submits that he has no objection to the aforesaid prayer being granted.

6 Accordingly, with the consent of the parties and without commenting upon the merits of the case, the present writ petition is disposed of with a direction to the competent authority to decide the claim raised by the petitioner in the present writ petition by treating the same as a representation and to pass a reasoned and speaking order thereupon in accordance with law within a period of one month from today.

7 In the meanwhile, the respondents are directed to maintain status quo with respect to the posting of the petitioner till a decision is taken on the request of the petitioner and for a period of 02 weeks thereafter in case the decision is not favourable to the petitioner to enable him to challenge the same in accordance with law if so advised.

May 27, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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