

(2013) 09 P&H CK 0361

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP. No. 20765 of 2013

Jalwinder Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Sept. 19, 2013

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: Jasdeep Singh Gill, for the Appellant;

Final Decision: Disposed Off

Judgement

Tejinder Singh Dhindsa, J.

The petitioner who is serving as a Patwari under the Punjab State Revenue Department has filed the instant writ petition impugning the order dated 06.09.2013 (Annexure P-7), whereby he has been transferred from Tung Wala to Bhilowal. Counsel would submit that the petitioner is handicapped and suffers from a permanent disability element to the extent of 58%. Categorical pleadings are to the effect that the petitioner has been posted on five occasions in the last approximately two years. It has been argued that the petitioner has been a victim of frequent transfer and as such, the impugned order of transfer is in violation of the transfer policy/guidelines dated 12.06.2012 at Annexure P-6. It is by now well settled that transfer is an incidence of service. The Hon'ble Supreme Court in Shilpa Bose and others Vs. State of Bihar & others, 1993(3) SCT 564 had cautioned the Courts against interfering in orders of transfer unless the same had been passed in violation of any statutory provision or is vitiated by malafides. The Court had further held that even where the transfer had been directed in violation of certain executive instructions, the employee concerned was to approach the Competent Authority.

2. Accordingly, while declining to interfere in the impugned order of transfer dated 6.09.2013, liberty is granted to the petitioner to approach respondent No. 2 as regards his grievance in the light of his transfer from Tung Wala to Bhilowal. In the eventuality of any such representation being preferred, respondent No. 2 would be

obligated to take a final decision thereupon within a period of 10 days from the date of submission of the same in the light of transfer policy framed by the State itself.

3. It is further directed that status quo as regards the place of posting of the petitioner as it exists today shall be maintained for a period of two weeks.

4. Disposed of. A copy of this order be given to the counsel for the petitioner under the signatures of the Bench Secretary.