

(2023) 10 SHI CK 0033
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 7507 Of 2023

Banita

APPELLANT

Vs

State Of Himachal Pradesh And Another

RESPONDENT

Date of Decision : 09-10-2023

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2023) 10 SHI CK 0033

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Raj Thakur, Rajan Kahol, Vishal Panwar, B.C. Verma, Ravi Chauhan, Sunaina

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant petition filed under Art. 226 of Constitution of India, petitioner has sought directions to the respondent Department to transfer her to one of stations of choice on account of adverse family circumstances. Since it is domain and sole prerogative of employer to post/transfer an employee, there appears to be no justification to issue direction to the respondents to post petitioner at a particular station however, having taken note of the fact that the petitioner has approached respondent No.2 by way of representation dated 1.9.2023 (Annexure P-4), this court deems it fit to dispose of the writ petition with a direction to the aforesaid authority to consider and decide the representation (Annexure P-4) in accordance with.

2. Learned Additional Advocate General is not averse to the aforesaid innocuous prayer made on behalf of the Petitioner.

3. Consequently, in view of above, present petition is disposed with a direction to respondent No.2 to consider and decide the representation (Annexure P-4) filed by petitioner, expeditiously, preferably within a period of two weeks from today,

strictly in terms of Comprehensive Guiding Principles, wherein admittedly, there is a provision to transfer /post an employee taking note of his/her adverse family circumstances..

4. Since in the case at hand, petitioner has been blessed with a daughter, who is one year and two months old coupled with the fact that the husband of the petitioner is also posted at State Bank of India, Jakhepal Branch District Sangrur, Punjab, authority concerned, while considering representation filed by the petitioner, may also taken into consideration aforesaid fact. Needless to say, authority concerned, while doing needful in terms of this order, shall afford opportunity of hearing to the petitioner and pass a speaking order thereafter. Liberty is reserved to the petitioner to file appropriate proceedings, before appropriate court of law, if he still remains aggrieved.

5. The petition stands disposed of in the afore terms, alongwith all pending applications.