

(2020) 02 P&H CK 0019

In the Punjab And Haryana At Chandigarh

Case No : Civil Miscellaneous Petition No. 1170, 1877, Civil Writ Petition No. 186 Of 2020

Kamal Kumar And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 04-02-2020

Acts Referred:

Citation : (2020) 02 P&H CK 0019

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : J.S. Bains, Monica Chhibber Sharma

Final Decision : Disposed Of

Judgement

Augustine George Masih, J

1. Applications are allowed as prayed for subject to all just exceptions.
2. Legal notice dated 07.01.2020 and orders dated 21.12.2019, Annexures P-3 and P-4, are taken on record.

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3. Petitioners have approached this Court, challenging the order of transfer dated 19.12.2019 (Annexure P-1), whereby they have been transferred out from District Jail, Ropar to Mansa. It has been asserted that petitioner Nos. 2 and 4 have one more year to go on superannuation but they have also been transferred in between. The distance between the place where the petitioners are presently posted and Mansa is 300 K.Ms, which causes great hardship to them. Counsel also contends that the family of the petitioners will be displaced and there is no complaint against them. Assertion has also been made that some other similarly placed employees have been transferred back to the place of posting i.e. Mansa. Another aspect, which has been pointed out by counsel for the petitioner, is that in one of the cases, the person who had been transferred from Mansa to Ropar,

before joining there, his transfer order has been cancelled and he has been transferred from Mansa to District Jail, Nabha, which falls within Patiala Division and even Ropar jail is also within Patiala Division and, therefore, the petitioners may also be considered for transfer within Patiala Division. He further contends that a legal notice dated 07.01.2020 (Annexure P-2) has also been served upon the petitioners but the same has not been considered and decided. Prayer has been made that the petitioners have not been paid the monthly salary from December 2019 onwards.

4. I have considered the submissions made by counsel for the petitioners and with his assistance have gone through the pleadings and have also seen the transfer orders, which have been placed on record, apart from the transfer orders of the petitioners but do not agree with the contentions as have been raised by counsel for the petitioners.

5. The settled proposition of law is that it is the discretion of the appointing authority to transfer an employee, especially in a disciplined force relatable to jail. There is nothing which would indicate that there has been any malafides on the part of the respondents in exercise of their powers of transfer. Merely because some transfer orders have been cancelled, the same do not confer a similar right upon the petitioners to assert that there has been discrimination vis-a-vis the petitioners. No exceptional circumstance is made out as far as the petitioners are concerned relatable to their transfer, who belong to disciplined force. No interference, therefore, is called for as far as the transfer orders of the petitioners are concerned.

6. As regard the contention of counsel for the petitioners that the petitioners have not been paid their salary from December 2019 onwards, let the Additional Director General of Police, Jail Department, Punjab-respondent No. 2 look into this aspect and if some merit is found therein, the salary of the petitioners be released to them within a period of fifteen days from today.

7. The writ petition stands disposed of accordingly.

8. Copy of the order be given dasti to counsel for the petitioners under the signatures of Bench Secretary of this Court.