

(2012) 08 P&H CK 0095
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 16090 of 2012

Manohar Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 22-08-2012

Acts Referred:

Citation : (2012) 08 P&H CK 0095

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : H.S. Virk, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The petitioner had earlier approached this Court in terms of filing CWP No. 14919 of 2012, wherein, he had been ordered to be transferred from Tarn Taran to Kapurthala. The challenge set up to the transfer order dated 30.07.2012 in the earlier writ petition was on the ground that the date of superannuation of the petitioner is 31.03.2013 and as such, such transfer order could not have been passed as the same was in violation of Clause 2 (b) of the transfer policy dated 19.04.2012. The aforementioned writ petition had been disposed of in the following terms:

Accordingly, the present petition is disposed of in terms of granting liberty to the petitioner to approach respondent-authorities in terms of filing a representation against the order of transfer. In the eventuality of any such representation being filed, the same shall be decided strictly in accordance with law and in the light of the guidelines/instructions (Annexure P-4) within a period of one week of the date of submission of such representation.

It is further directed that for a period of 10 days from the date of passing of this order the petitioner shall not be relieved from his present place of posting i.e. Chief Agriculture Officer, Tarn Taran.

In deference to the directions issued by this Court, the earlier order of transfer dated 30.07.2012 has been cancelled and the petitioner has now been accommodated at Tarn Taran itself on the vacant post of District Training Officer, Tarn Taran. It is such order dated 14.08.2012 (Annexure P-5), whereby, the petitioner has been retained at Tarn Taran, has been challenged in terms of filing the present writ petition.

2. Learned counsel appearing for the petitioner would argue that the petitioner has been a victim of frequent transfers. Still further, counsel would argue that the petitioner had been holding the post of Chief Agriculture Officer and in terms of the impugned order, he had been transferred against vacant post of District Training Officer, Tarn Taran.

3. Learned counsel has not been able to demonstrate as to whether the impugned order of transfer is infact an order of reversion or as to whether in terms of the passing the impugned order dated 14.08.2012, the petitioner has been prejudiced in any manner as regards having been granted a lower scale of pay. Rather in terms of the order dated 14.08.2012, whereby, the petitioner has been retained at Tarn Taran, the respondent/authorities have complied with the requisite clause 2 (b) of the transfer policy dated 19.04.2012 (Annexure P-6).

4. I find no basis that would warrant interference in the impugned order dated 14.08.2012 (Annexure P-5) cancelling the earlier order of transfer and retaining the petitioner at Tarn Taran itself.

5. No merit. Writ petition dismissed.