
(2013) 07 P&H CK 0277
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 14324 of 2013 (O and M)

Pritam Pal

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 09-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0277

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Vaneet Soni, for the Appellant;

Final Decision : Disposed Off

Judgement

Tejinder Singh Dhindsa, J.—The petitioner, who is serving as a Sub Inspector under the Punjab Police has filed the instant writ petition impugning the order dated 13.6.2013, whereby he has been transferred from Border Range, District Gurdaspur to Bathinda Range. Learned counsel for the petitioner would submit that it was only on 18.2.2013 that the petitioner had been transferred from Commissionerate, Amritsar to Gurdaspur on compassionate grounds. Counsel would argue that only after a period of four months the petitioner is sought to be re-located again. It is further contended that the petitioner would attain the age of superannuation on 28.2.2014 and even on such ground the transfer would be violative of the Transfer Policy/Guidelines dated 19.4.2012 (Annexure P-3), whereby under Clause 2(b) it is clearly stipulated that govt. employees, who are due to retire within the next two years may be allowed to continue in the same district or the station of posting till retirement.

2. Learned counsel for the petitioner has been heard at length.

3. It is well settled that transfer is an incidence of service. Stipulations contained in a Transfer Policy/Guidelines would not vest an enforceable right in favour of an employee. A reference in this regard may be made to the decision of the Hon'ble Supreme Court in case of Union of India and Others Vs. S.L. Abbas, Be that as it

may, it would certainly be obligatory upon the respondent-authorities/competent authority to keep in mind the Transfer Policy/Guidelines formulated by the State itself while issuing orders of transfer.

4. Learned counsel for the petitioner would categorically submit that in pursuance to the impugned transfer order dated 13.6.2013 the petitioner has not been relieved from Border Range, District Gurdaspur and he continues to serve at Gurdaspur as of date. Accordingly, while declining to interfere with the impugned transfer order in the present writ petition, I deem it appropriate to dispose of the same with a direction to respondent no. 2 to consider the grievance of the petitioner as regards his transfer from Border Range, Gurdaspur to Bathinda Range and to take a final decision on his representation dated 20.6.2013 (Annexure P-5) within a period of 10 days from the date of receipt of a certified copy of this order.

5. Status quo as regards the place of posting of the petitioner, as it exists today, shall be maintained for a period of two weeks.

6. Petition disposed of. A copy of this order be furnished to learned counsel for the petitioner under the signatures of Bench Secretary.