

**(2019) 11 J&K CK 0002**

**In the Jammu And Kashmir High Court**

**Case No :** Writ Petition (C) No. 4051 Of 2019, CM No. 8379 Of 2019

Tejinder Kumar Sethi

APPELLANT

Vs

State And Others

RESPONDENT

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**Date of Decision :** 01-11-2019

**Acts Referred:**

**Citation :** (2019) 11 J&K CK 0002

**Hon'ble Judges :** Tashi Rabstan, J

**Bench :** Single Bench

**Advocate :** Ayushman Kotwal, K.D.S.Kotwal

**Final Decision :** Disposed Of

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## **Judgement**

Tashi Rabstan, J

1. Issue notice. Mr. K.D.S.Kotwal, Dy.AG waives notice on behalf of respondents.
2. It is contended by learned counsel for the petitioner that petitioner is at the verge of retirement, but, the respondents vide Govt. Order No. 127-PW(Hyd) of 2019 dated 24.10.2019 transferred him from the post of I/C AEE, Sub Division-IV, MID Jammu to the post of I/C AEE, Store and Transport, Sub- Division of MID Srinagar. It is further contended that petitioner has left small period of service and he has to prepare his pension papers so that immediately after his retirement he would be in a position to get his pension and is not forced to face financial crisis in getting timely pension and other retiral benefits. It is also contended that Government have also issued schemes and guidelines that the employees who are at the verge of retirement should ordinarily be posted in his Home Town. It is also contended that the petitioner is due to retire from service on 31.08.2020.
3. The petitioner contends that impugned Order is in violation of transfer policy issued by the Government wherein it has been provided that while affecting transfer, the convenience of the employee may also be considered provided it

does not affect the interest of Government work. It is also held by the Apex Court in number of cases that an employee should not ordinarily be transferred when he/she is at the verge of retirement as it will hamper the preparation of papers for pension.

4. After arguing for a while, learned counsel for the petitioner submits that the petitioner would feel satisfied if respondents are called upon to take a decision on his request in light of the transfer policy and instructions within certain timeframe to which learned counsel appearing on behalf of the respondents is not averse to this proposition, except for their assertions that the petitioner may be directed to file detailed representation and if such representation is filed, the respondents be directed to do the needful in terms of the law and the rules governing the field. Their statements are taken on record.

5. In view of the submissions made by the learned counsel for the parties and in the facts of the case, the writ petition is disposed of by permitting the petitioner to file a detailed representation supported by representation, the same shall be considered and decided by the respondents by or before 16.11.2019. Till then the petitioner shall be allowed to continue at his present place of posting, i.e. I/C AEE, Sub Division-IV, MID Jammu.

6. Disposed of along with connected CM(s).