

Balwan Singh **Versus** **State of Haryana and others**

Present: Mr. R.S. Tacoria, Advocate
for the petitioner.

Mr. Yashwinder Singh, AAG, Haryana
for respondents No. 1 and 2.

Mr. Sandeep Sharma, Advocate
for respondent No.3.

The petitioner was working as Statistical Assistant at CDPO, Madina, District Rohtak. His wife is working as Statistical Assistant at Sampla, District Rohtak. The petitioner was transferred from Madina to Rohtak being couple case. The petitioner joined his duties on 4.4.2007.

Respondent No.3 was working at District Education Office as a Clerk for more than 10 years and on promotion was transferred to Jhajjar as Statistical Assistant. The petitioner has now been transferred to Jhajjar vide Annexure P-2 and in his place respondent No.3 has been transferred to Rohtak. By relying on policy instructions, with special emphasis on para 4 thereof, the petitioner has filed this writ petition to impugn his transfer from Rohtak to Jhajjar. The primary grievance of the petitioner is that as per the conditions contained in the policy instructions, the tenure of the employee who is adjusted on promotion is to be 5 years. Accordingly, the petitioner contends that he has been transferred to Jhajjar violating this condition of the policy and so also the ground that he was adjusted at Rohtak being a couple case.

Notice of motion was issued. Reply has been filed. State counsel as well as counsel for respondent No. 3 would point out that

respondent has been transferred to Rohtak on the ground that her 4 year old child is suffering from Thalesemia and she has been transferred to Rohtak so as to avail medical facilities for this disease at Post Graduate Institute at Rohtak. The decision of the official respondent as such to transfer respondent No.3 back to Rohtak on this ground is fair and equitable and this does not suffer from any legal infirmity. The reasons given by the official respondent to transfer respondent No.3 at Rohtak are justified and good. Even otherwise, the policy instructions may not open to be enforced through the writ petition. I am thus not inclined to interfere in matter of transfer of respondent No.3 and of the petitioner who have been made to interchange their places from Rohtak to Jhajjar. Counsel for the petitioner, however, points out that there is one vacancy of Assistant lying at Rohtak where the petitioner can be adjusted as he was earlier adjusted being a couple case. Let the petitioner make a representation in this regard to official respondent who may consider the same and pass any appropriate order in accordance with law.

The writ petition is however dismissed.

sd/-Ranjit Singh
Judge

July 01, 2009
rts

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Sumar
Examiner 13/7/09

Certified to be true Copy

Examiner Judicial Department
High Court of Punjab & Haryana
Chandigarh

D.A. added
20/7/09
4/7/09

4/7/09

PUNJAB & HARYANA HIGH COURT

Judicial
Court of Punjab
Chandigarh