

2025:PHHC:067551



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

118

CWP-14218-2025

Date of Decision: 19.05.2025

RAM NIWAS

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Susheel Gautam, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the transfer order dated 02.05.2025 (Annexure P-1) passed by respondent No.3- Director General, State Transport, Haryana, Chandigarh, whereby the petitioner has been transferred from Panipat Depot to Gurugram Depot in violation of the applicable Transfer Policy of 2020 as amended on 08.02.2024, since the petitioner is due to superannuate within a period of less than 12 months i.e. 30.04.2026.

The counsel contends that the respondents have transferred the petitioner from Panipat Depot to Gurugram Depot vide impugned order dated 02.05.2025, notwithstanding the Government Instructions amending the Online Transfer Policy of 2020 on 08.02.2024, as per which the employees, who have less than one year of service left, cannot be transferred being the protected employees. He contends that he would be satisfied at this juncture in case the respondents are directed to take a fresh decision w.r.t. to the order of transfer of the petitioner after taking into consideration the applicable policy as well as the date of superannuation of the petitioner.

Notice of motion.

Mr. Tapan Kumar, DAG, Haryana accepts notice and has no objection to the same.

The present petition is accordingly disposed of at this juncture with a direction to respondent No.3-Director General, State Transport, Haryana, Chandigarh to consider the instant writ petition as a representation and to pass a fresh order w.r.t. the transfer of the petitioner after taking into consideration the terms and conditions of the applicable policy as well as the amendment(s) carried out therein and also noticing the fact that the petitioner falls within the definition of 'protected employee' since he has less than 12 months to superannuate.

Till such time, the decision is taken by the respondents, the impugned order dated 02.05.2025 (Annexure P-1) of transfer shall be kept in abeyance *qua* the petitioner and shall not be given effect to for a further period of fifteen days in case the decision is taken against the petitioner.

Disposed of in above terms.

MAY 19, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No