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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.17562 of 2014

Date of Decision: August 28, 2014

J.R.Jassal

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE JASPAL SINGH.

Present : Mr.Sanjeev Pandit, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is working as a Private Secretary in the Military Engineering Service. He was transferred from Pathankot to Jabalpur vide order dated 17.1.2014/28.2.2014 against which he represented invoking compassionate grounds but since his representation was not accepted, the petitioner approached the Central Administrative Tribunal, Chandigarh Bench, which has dismissed his Original Application vide the impugned order dated 09.07.2014. The Review Application moved by the petitioner has also been turned down vide order dated 06.08.2014. The Tribunal has observed that the petitioner was posted at Pathankot for the last over 16 years and prior thereto, he remained posted at one place only. In this manner, out of 34 years of service, the petitioner has remained posted at the place of his choice for almost 30 years.

It may be true that (i) the petitioner is left with less than three years service; (ii) he is looking after his ailing father

who is about 95 years of age; (iii) his daughter is unfortunately unwell and is getting treatment from a hospital at Ludhiana and (iv) his wife is also diabetic. Such like mitigating circumstances, however, can be kept in view by the Competent Authority only and would not *per se* justify intervention by a Tribunal or Court in administrative matters like transfer. We thus, decline to interfere with the impugned order.

Dismissed.

However, the petitioner may join at Jabalpur and thereafter submit a representation to the Competent Authority for sympathetic consideration of his transfer to Chandimandir where the post is stated to be lying vacant. We have no reason to doubt that notwithstanding the dismissal of his case by the Tribunal and/or this Court, the Competent Authority shall consider the petitioner's request with full compassion.

Sd/-
[SURYA KANT]
JUDGE

Sd/-
[JASPAL SINGH]
JUDGE

on August 28, 2014
Mohinder



26/11/14

PUNJAB AND HARYANA HIGH COURT

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