

**Sr. No. 123
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.17304 of 2016 (O&M)
Date of Decision: 26.08.2016**

Sudesh Kumari

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ferry Sofat, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.

The petitioner who is serving as an Instructor (Basic Cosmetology) under the Industrial Training Department, State of Haryana assails an order dated 10.08.2016 at Annexure P-1 whereby she has been transferred from Government Industrial Training Institute (Women), Tohana to Government Industrial Training Institute (Women), Bahadurgarh.

Counsel would argue that there was no administrative exigency involved in issuing the impugned order. Counsel has referred to a complaint placed on record at Annexure P-3 which as per him had been made by the present petitioner in the capacity of Instructor as also other students at ITI (Women) Tohana against the Principal of the Institute, namely, Ram Kumar wherein there were allegations that he was enjoying a close proximity with another female Instructor, namely, Smt. Vandana appointed on contractual basis. Further allegations were that he abuses the girl students and misbehaves. Counsel contends that the transfer has been effected only for the reason that the petitioner has raised her voice against

the ill deeds of the Principal, namely, Ram Kumar.

Counsel for the petitioner has been heard at length.

Petitioner has served at ITI (Women), Tohana since August, 2014. Transfer is an incidence of service. Even though it may be the contention and stand on behalf of the petitioner that the transfer order is punitive and on account of having raised a voice against the Principal of the Institute yet it cannot be lost sight of that the impugned order has been passed, not by the Principal, but by the Director, Industrial Training Department, Haryana. A feeble attempt has been made by the counsel to submit that the Principal and the Director are in connivance with each other.

Such assertions cannot be made the basis for this Court to infer any mala fide intent in passing of the impugned order. As regards connivance between the Principal and the Director is concerned that is also an aspect which this Court would not be required to go into as the Director Industrial Training Department, Haryana has not been impleaded as a party respondent in this petition in his personal capacity so as to meet the allegation.

In the totality of the circumstances, no intervention is called for.

Petition is dismissed.

26.08.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No