

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.17496 of 2016 (O&M)
Date of decision : 27.08.2016**

Ms. Delia Batish

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

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

...

TEJINDER SINGH DHINDSA, J.

The petitioner who is currently engaged as Information, Education, Communication and Equity Consultant (Water Sector) on contractual basis has filed the instant petition assailing an order dated 12.08.2016 at Annexure P-16 passed by the Director, Water and Sanitation Support Organization, Panchkula and in terms of which she has been transferred from Kurukshetra to Panipat.

Learned counsel has raised a two fold submission. It is submitted that vide memo dated 12.07.2012 at Annexure P-19 issued by the Director, Water and Sanitation Support Organization, Haryana and circulated to all the Executive Engineer, Public Health Engineering Divisions in Haryana as also to IEC and Equity Consultants at district level, guidelines were issued regarding carrying support activities under the National Rural Drinking Water Programme (NRDWP) in rural areas. It has been vehemently argued that as per clause 15 of such guidelines, it was stipulated that to achieve continuous rapport building at grass root level, the engagement of the Consultants is non-transferable under any circumstances.

Precise argument raised is that the impugned transfer is in violation of the memo dated 12.07.2012 issued by respondent No.2. Yet another submission

is that the order of transfer is punitive inasmuch as the same has been directed only on account of a complaint having been lodged by the petitioner against the Nodal Executive Engineer, namely, Sh. Ashok Khanduja and who has been impleaded as party respondent No.4.

Having heard learned counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no basis for interference in the matter is made out.

The memo dated 12.07.2012 at Annexure P-19 issued by the Director, Water and Sanitation Support Organization, Haryana can at best be construed in the nature of guidelines. The terms and conditions contained therein including that on the subject of transfer would not vest any enforceable right in favour of the petitioner.

As regards the contention of the counsel that the order is punitive and only on account of a complaint having been lodged against Nodal Executive Engineer, the same also does not warrant acceptance inasmuch as vide memo dated 12.08.2016 at Annexure P-16 not only the petitioner but also one Ms. Brijesh Chaudhary, Consultant on contractual basis has been transferred. It is a composite order of transfer as regards two Consultants.

Another fact that may also be noticed is that vide memo dated 28.06.2012 at Annexure P-9, the petitioner was engaged as a Consultant on contractual basis by the Director, Water and Sanitation Support Organization. Clause 8 clearly recited that such engagement entailed travelling throughout the State of Haryana or even outside the State and under clause 12, the petitioner was liable to perform works and duties as assigned by the Water and Sanitation Support Organization from time to

time. The transfer order impugned in the present petition cannot be seen to have been passed in violation of the terms and conditions at the engagement of the petitioner as a Consultant on contractual basis.

Even otherwise, this Court would be hesitant to interfere as regards the transfer order of a Consultant working under a Society and on contractual basis.

In the totality of circumstances, no basis for interference is made out.

Petition is dismissed.

27.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |