

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 6672 of 2014

Date of decision : January 29, 2016

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Jaspreet Sharma

.....Petitioner

Versus

State of Punjab

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Rajbir Sehrawat, Advocate for the petitioner.

Mr. Jangsher Singh Bhullar, Addl.A.G, Punjab
for respondent no.1.

Mr. Sapan Dhir, Advocate for respondents no. 2 & 3.

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1. *Whether Reporters of Local Newspapers 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?*

RITU BAHRI, J

The petitioner is seeking a writ of certiorari for quashing the order dated 6.12.2013 (Annexure P-5) passed by respondent no.2-District and Sessions Judge, Sangrur transferring/adjusting the petitioner to the cadre of Barnala Sessions Division against the option exercised by the petitioner.

The petitioner was appointed as Steno Typist vide appointment letter dated 18.12.2000 (Annexure P-1) in Sangrur Sessions Division by respondent no.2. Thereafter the petitioner was

promoted as Stenographer Grade-II vide order dated 6.12.2012 (Annexure P-2). However, vide notification dated 4.7.2013 of this Court another Sessions Division was created at Barnala by dividing the Sessions Division, Sangrur. Since the Sessions Division, Sangrur was divided into two Sessions Divisions, therefore, the staff working in the Sessions Division Sangrur was asked to submit their option as to whether they wanted to serve at Sangrur or wanted to be transferred to Barnala. The petitioner opted to be retained in Sangrur and vide order dated 26.11.2013 (Annexure P-4), the petitioner was retained in Sessions Division, Sangrur as per his choice. Thereafter, pursuant to the letter dated 3.12.2013 (Annexure R-1), the Registrar General of this Court intimated the order of Hon'ble the Chief Justice to the Distt. and Sessions Judge, Sangrur that in order to ensure that the work in Sangur or Barnala Sessions Divisions does not suffer, the adjustment may be made in such a manner that the strength of stenographers/Judgment Writers at Barnala is maintained at 11 and further that some experienced Stenographers are available at both the Sessions Divisions. Pursuant to this direction, the petitioner was transferred from Sangrur to Barnala vide order dated **6.12.2013 (Annexure P-5)**.

The grievance of the petitioner is that despite giving his option to be retained at Sessions Division, Sangrur, he has been transferred to Barnala from Sangrur retaining three JW-II i.e Parminder, Amritpal Singh and Harpreet Singh who were junior to him at Sangrur. As per the provisional seniority list of Judgment

Writers/Steno Typists, the petitioner is at Sr. No. 24 and above stated employees are at Sr. No. 27, 28 & 29. According to the petitioner, the order of transfer dated 6.12.2013 (Annexure P-5) is liable to be set aside on the ground that the petitioner being senior should have been retained at Sessions Division, Sangrur as he had exercised his option and the juniors could have been sent to Sessions Division, Barnala to maintain level of strength of Stenographers at Sessions Division, Barnala.

On notice, a written statement has been filed on behalf of respondents no. 2 & 3, in which it was submitted that two other employees namely Varinder Kumar, Stenographer Grade-I and Baldev Raj, Stenographer Grade-II who were also posted at Barnala before its creation as Sessions Division and who had also submitted their respective options for their adjustment/transfer at Sessions Division, Sangrur have also been transferred/adjusted at Sessions Division, Barnala by respondent no.2. Moreover, the petitioner had already been working as Stenographer Grade-II at Barnala before creation of Sessions Division, Barnala. Pursuant to the letter dated 3.12.2013 (Annexure R-1) of the Registrar General intimating order of Hon'ble the Chief Justice to maintain the strength of staff at Barnala, the petitioner had been transferred from Sangrur to Barnala Sessions Division. It has been further stated that the person next junior of the petitioner namely Rajesh Inder Gupta as shown in the seniority list (Annexure P-6) is also posted at Sessions Division, Barnala.

A perusal of the impugned order dated 6.12.2013 (Annexure P-5) further shows that pursuant to the letter dated (Annexure R-1) sent by the Registrar, the District and Sessions Judge, Sangrur examined the strength of Stenographers of different cadres working at Barnala. A further observation was made that the option of asking junior most staff in each category to serve at Barnala could not be done because in that eventuality the object of the letter dated 3.12.2013 (Anenxure R-1) that adjustment/posting be made in such a manner that some experienced stenographers/Judgment Writers are available at both the Sessions Divisions. Varinder Kumar, Stenographer Grade I who was senior to the petitioner had opted to remain on the cadre strength of Sessions Division, Sangrur but was retained at Sessions Division, Barnala on account of administrative convenience. Three Stenographers namely Arvind Rekhi, Rajesh Inder Gupta and Vikas Khera opted to remain on the cadre strength of Sessions Division, Barnala. Two more experienced Stenographers Grade II were to be provided for Sessions Division, Barnala so as to ensure smooth working of Sessions division, Barnala. Baldev Raj who was having 15 years of service was retained at Sessions Division Barnala so that their work may not suffer for want of experienced staff. Similarly, Jaspreet Sharma, Stenographer Grade II was also placed on the cadre strength of Sessions Division, Barnala since he is also experienced stenographer having 13 years of service.

The decision to transfer the petitioner from Sessions

Division, Sangrur to Sessions Division, Barnala was rightly based on administrative exigencies and convenience. The petitioner cannot claim parity with his juniors who have been retained at Sangrur. As regards to the aforesaid, the writ petition is dismissed.

January 29, 2016
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(RITU BAHRI)
JUDGE