

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

**CWP No. 14689 of 2017
Date of Decision: 18.07.2017**

Kuldeep Singh Saini

.....Petitioner

Vs.

Chairman-cum-Managing Director, UBHVN and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Varun Malik, Advocate,
for the petitioner.

Mr. K.S. Nalwa, Addl. A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 14.07.2017, Mr. Nalwa, learned Addl. A.G., Haryana, has taken written instructions, a copy of which has been produced in Court today, in which it is stated that the respondent-'Nigam' is ready to grant permission to the petitioner to attend his LLB classes (6th semester), in the evening session, which commence at 5:30 p.m., subject to the conditions that his office work is not hampered and that he would 'maintain his headquarter', provided further that he would supply a copy of the attendance sheet as proof of attending classes and that he would give an undertaking in respect of the aforesaid three conditions.

Though even this Court does feel that the conditions being imposed are slightly harsh, as then the petitioner would be bound to stay at Naraingarh and come and go 50 kilometers every day in the evening, Mr. Nalwa has also referred to the order dated 01.07.2015, by which the petitioner was granted permission to

pursue higher studies (LLB-3 year degree course) from the Panjab University Chandigarh, subject to the conditions that firstly it would not affect his official duty, next that he would not be entitled to stay at a particular station of posting till the end of the academic year, and would be liable for transfer anywhere else. Further, his studies would not interfere with the efficient discharge of his official duties.

The petitioner having not challenged those conditions at the time when the order allowing him to pursue his studies was passed, I see no reason to not hold him to such conditions, especially in view of the fact that he is now being granted permission to leave his place of posting at Naraingarh early enough to enable him, in normal circumstances, to attend his classes at 5:30 p.m. in the evening.

Obviously, if the conditions imposed are misused by the respondents in any manner, the petitioner would be at liberty to take appropriate remedies.

In view of the above, the petition is disposed of, with the impugned order of transfer kept intact but subject to the aforesaid permission granted to the petitioner, to leave his place of posting in time every evening to attend his classes at 5:30 p.m.

The order passed hereinabove is obviously particular to the facts and circumstances of the present case.

July 18, 2017
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.