

236 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 20130 of 2015(O&M)
Date of decision : 30.03.2017

Chander Mohini

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vivek Khatri, Advocate for the petitioner.

Mr.Ravi Partap Singh, AAG, Haryana.

Mr.Bhisham Kumar Manoka, Advocate
for Mr.I.D.Singla, Advocate for respondent No.4.

AJAY TEWARI, J. (Oral)

In this petition the petitioner has challenged the action of the respondents in posting her in the Haryana Building & other Construction Worker Welfare Board, Panchkula. On 17.12.2015 the following order was passed:-

CM No.16333 of 2015

Through this application, replication to the written statement filed on behalf of respondents No.1 and 2, is sought to be placed on record.

Allowed as prayed for.

CM stands disposed of.

CWP No.20130 of 2015

In Para 13 of the replication, the petitioner has stated that on being promoted as a Superintendent in the Labour Department, Government of Haryana, she could not be

posted in the Haryana Building and other Construction Workers Welfare Board (hereinafter referred to the Board) without her consent as the Board was a separate legal entity.

Learned counsel for the State submits that since this issue has been raised for the first time in the replication, he prays for and is granted time to file a specific affidavit with regard to the averments made by the petitioner in Para No.13 of the replication.

Adjourned to 16.02.2016.

Till the next date of hearing, operation of the impugned order dated 16.09.2015 (Annexure P-5) shall remain stayed.”

Thereafter affidavit dated 10.05.2016 has been filed by Monica Malik, Additional Labour Commissioner (Admn.).

In reply, the assertion that the board is a separate legal entity, has not been denied. In the circumstances it has to be held that the petitioner could not have been sent on deputation without her consent and thus the order is set aside. The petitioner would be deemed to have been posted in the office of respondent No.1 on her promotion.

Petition stands disposed of accordingly.

**(AJAY TEWARI)
JUDGE**

March 30, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No