

CWP-1597-2017

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

**CWP-1597-2017
Date of Decision : 07.04.2017**

MANOJ KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.K.Liberhan, Advocate
for the petitioner.

Mr.Indresh Goyal, Addl.AG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner had challenged the order dated 24.1.2017 Annexure P-2 passed in favour of respondent No.5 by respondent No.2 by which the transfer order dated 13.10.2016 (Annexure P-1) has been cancelled.

On 13.10.2016 the petitioner and respondent No.5 swapped places. The petitioner was sent from Sonapat to Ambala and respondent No.5 was sent from Ambala to Sonapat. However after 3 months the transfers were cancelled by the impugned order. The case of the petitioner is that respondent No.5 had managed to get the transfer order cancelled and in support of that it is argued that right from 20.11.97, i.e. the date of his appointment respondent No.5 has continued to work at Kalpana Chawla Government Polytechnic (Women) at Ambala.

Counsel for the petitioner has also pointed out that the respondent No.5 succeeded in changing his Head Quarter to Ambala City even during the currency of the first transfer order by getting an order dated 2.12.2016 (Annexure P-3) from respondent No.2, the implications of

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which was that he never joined at Sonapat. As per the learned counsel for the petitioner if the official respondents are so keen to accommodate the respondent No.5 at Ambala, they can retain his Head Quarter at Ambala but the transfer order cannot be cancelled within 3 months without any reason.

In the written statement, the essential facts have been accepted but the argument given is that respondent No.5 is from the Electrical Engineering trade whereas the petitioner is from the Welding discipline and the services of respondent No.5 can also be required for the routine maintenance of the engineering installations of the polytechnic. It is however mentioned in the written statement that there is another person from the Electrical Engineering stream who is also working in the Government Polytechnic College, Ambala and that person also can look after the routine maintenance of the electrical installation, Kalpana Chawla Government Polytechnic (Women) at Ambala.

I find no merit in the argument of the respondents. The impugned order Annexure P-2 on the face of it seems to be illegal and is consequently quashed and the petition stands allowed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

April 07, 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No