

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4309-2017(O&M)

Date of decision: 07.04.2017

Harish Kumar Sharma

.... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. V.S. Rana, Advocate for the petitioner.

Mr. Indresh Goyal, Addl. A.G., Haryana.

AJAY TEWARI, J.

The petitioner had joined the services in Technical Education Department, Govt. of Haryana in the year 1986 and after being posted to many stations was finally posted at Govt. Polytechnic College Nilokheri on 18.07.2012. Vide order dated 01.09.2015 the headquarter of the petitioner was shifted from Nilokheri to G.P.E.S. Cheeka only for four months vide order bearing Endst. No. 55/24/2015-ITE dated 01.09.2015. Vide order bearing Endst. No. 55/24/2015-ITE dated 15.01.2016 petitioner was ordered to continue at G.P.E.S. Cheeka for a further period of three months.

By order dated 30.03.2016, it was directed that he would continue at G.P.E.S. Cheeka for an indefinite period. After 10 months, he was transferred from G.P.E.S. Cheeka to National Institute of Design Umri, District Kurukshetra and after around another fortnight, to Nilokheri. The petitioner joined at Nilokheri on 17.02.2017 but after 10 days, he was again transferred by order dated 27.02.2017 to G.P.E.S. Cheeka and has challenged this order by way of the present petition. On 29.03.2017, when the matter came up, the Assistant Advocate General requested an

adjournment to see if the grievance of the petitioner could be redressed. However, now it is admitted that by order dated 03.04.2017, the petitioner has been posted at Government Polytechnic, Sonapat with headquarter at G.P.E.S. Cheeka. There is no doubt that the Government has a right to transfer the employee but the right to transfer does not include the right to force the employee to play musical chairs.

In the circumstances, I have no option but to quash the order dated 03.04.2017 and direct that the petitioner would continue to serve at Nilokheri.

The present petition is allowed accordingly.

(AJAY TEWARI)
JUDGE

April 07, 2017

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No