

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

C.W.P No. 26614 of 2017 (O&M)

Date of Decision:- 23.01.2018

Vinod Bhushan Dahiya

....Petitioner

Versus

State of Haryana & Anr.

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Saurabh Bajaj, Advocate, for respondent No.2.

RAJIV NARAIN RAINA, J. (Oral)

There is no representation on behalf of the petitioner. None appears, nor a pass over is sought. Left with no option but to hear the respondents.

Heard Mr. Rathee for the department on stay matter and the main case.

The Government has every authority to hand over the charge of the electrical wing to respondent No.2 – Superintending Engineer (Electrical) without affecting the status or salary of the petitioner, who remains the Chief Engineer holding the 'common post' of electrical and mechanical. This is the prerogative of the State to take work out from its officers as it thinks best in public interest. Therefore, continuance of the interim stay order is not justified in this case. Further, the petitioner's civil or fundamental rights have not been infringed. The argument built on Rule 9 of the Rules and common post is misplaced. There may be a common post

of Chief Engineer Electrical and Mechanical but that does not mean that a part of the duties and responsibilities of the post cannot be delegated to another officer by the Government by way of additional charge or in the exigencies of administration and in public interest by carving out duties and splitting them. No employee has a right to insist what duties are to be assigned to him. It is for the State to manages its affairs in its best interest and for the welfare of the people. No mala fide have been alleged in the action of the respondent-State or any of its decision-makers in making this arrangement for the time being. There is nothing illegal, arbitrary or unconstitutional in the measures adopted by the competent authorities.

Consequently, I do not find any substance in the main petition itself and dismiss it.

January 23, 2018
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No