

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

CWP-3041-2018

Date of Decision:01.05.2018

Maj. Rattandeep Kaur Plaha

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. A.S. Narang, Advocate
for the petitioner.

Mr. Praveen Chander Goyal, Advocate
for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the posting order dated 08.01.2018 (Annexure P-7) from Engrs, SO-2, CE Chandigarh Zone to 7 Engr Regt.

2. Learned counsel for the petitioner submitted that petitioner was holding the post with the respondents with reference to her legal qualification. Therefore, her posting should be restricted to legal posting. In other words, with reference to the post held by her read with legal qualification. Whereas respondents have not disputed that there is no post in 7 Engr Regt relating to legal so as to post the petitioner at Engrs, SO-2 CE Chandigarh Zone. In other words, without there being a post as commensurate to the appointment of the petitioner and the post held by her, she has not been accommodated while posting her at 7 Engr Regt. Therefore, petitioner is not in a position to discharge the duties other than the legal having regard to the fact that she is legally qualified.

3. Accordingly, order dated 08.01.2018 (Annexure P-7) insofar as petitioner is concerned is set aside. Concerned respondent is hereby directed to examine before posting the petitioner to a particular post whether she

could discharge the duties with reference to (Legal) and law qualified. Such a decision shall be taken by the competent authority within a period of 15 days from the receipt of this order.

4. With the above observation, petition stands allowed.

01.05.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**