

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

CWP No.8555 of 2017 (O&M)

Date of decision: 24.07.2018

Parveen Kumar

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Tejpal Dhull, Advocate,
for Mr. Shalender Mohan, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Ritu Bahri, J.

Petitioner is seeking quashing of the order dated 11.04.2017 (Annexure P-6), whereby he has been transferred from Ambala to Sonapat against vacant post of Lecturer in Electronics Engineering.

On 14.02.1995, petitioner joined as Lecturer in Electrical Engineering at Government Polytechnic, Uttawar. Thereafter, he was transferred to Government Polytechnic, Ambala on 10.09.1996. On 20.04.2001, he was transferred to Government Polytechnic, Sirsa and thereafter, he was again transferred to Government Polytechnic, Ambala on 07.07.2011. He was transferred from Ambala to Nilokheri on 25.07.2011. On 11.05.2012, he was again transferred from Nilokheri to Ambala and he joined his duties on 11.05.2012. On 12.04.2016, petitioner was again shifted from Ambala to Hisar, where he joined on 18.04.2016. Vide order

dated 10.05.2016, he was again transferred back to Ambala and he joined

his duties on 11.05.2016. Vide order dated 14.12.2016 (Annexure P-1), one post of lecturer was abolished at Ambala. Consequently, vide order dated 11.04.2017 (Annexure P-6), petitioner has been transferred to Sonapat.

Grievance of the petitioner is that he had been transferred from Hisar to Ambala on 11.05.2016 and within a period of 11 months, he has been again transferred to Sonapat, which is against the transfer policy dated 05.04.1978 (Annexure P-7). In para 19 of the petition, petitioner has given example of four persons namely Sarika Sharma, Surender, Monika and Poonam Saini, who had been in Ambala for a long time.

Upon notice, written statement on behalf of the respondents has been filed, wherein it has been explained that process of restructuring in the department/institutes has been carried. Accordingly, number of post of Lecturer in Electrical Engineering in Government Polytechnic, Ambala City has been decreased from 06 to 05. Following teaching faculty has been working against these posts:-

1. Sh. Surender (posted since 27.12.2006) (PH Category).
2. Smt. Monika (posted since 02.03.2007) (Women Category).
3. Smt. Poonam Saini (posted since 02.03.2007) (couple case).
4. Smt. Sarika Sharma (posted since 05.10.2010) (Women Category).
5. Sh. Parveen Kumar (posted since 11.05.2012) (petitioner who is now transferred from GP Ambala to GP Sonipat).
6. Smt. Rajni Mehra (posted since 07.01.2013) (Women Category).

The Lecturers mentioned at serial Nos.1 to 4 and 6 have been retained at Ambala being physically handicapped and couple cases keeping in view clause 6 of the Transfer Policy of 2006. It has been further stated that out of his total service career of about 22 years, the petitioner has

served for about 18 years at Government Polytechnic, Ambala City.

After being transferred, petitioner had been relieved on 03.05.2017. However, in compliance with the order dated 05.05.2017, passed by this Court, he has been allowed to join back his duties in Govt. Polytechnic, Ambala on 08.05.2017. The transfer is being justified on the ground that on account of restructuring, petitioner has been transferred with other faculty members.

After hearing learned counsel for the parties and going through the contents of the petition as well as written statement, this Court is of the view that petitioner had remained posted at Ambala for almost 18 years and the other lecturers, who have been retained at Ambala, fall in special category being physically handicapped, couple cases, women etc. They have been retained at Ambala keeping in view the instructions dated 26.09.1986 (Annexure R-1) and clause 6 of Transfer Policy-2006. Hence, keeping in view restructuring of the posts in respondent-departments, transfer of the petitioner along with other faculty members does not suffer from any malafide intention on the part of respondents.

No ground for interference is made out.

No merits.

Dismissed.

24.07.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No