

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17530 of 2019 (O&M)

Date of Decision: November 05, 2019

Hawa Singh Khobra

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Jagjit Singh Gill, Advocate,
for the petitioner.

AMIT RAWAL, J.

CM No.15239 of 2019

Prayer in the application is for placing on record Annexures P-10 and P-11. Taken on record subject to all just exceptions.

CM stands disposed of.

CM No.13852 of 2019

Learned counsel for the petitioner sought indulgence of this Court through Misc.Application No.13852 of 2019 for revival of the writ petition, which was dismissed as withdrawn on 02.09.2019, owing to the assurance given by the respondents for recalling of the impugned order, which was not done. Accordingly, notice was issued. However, during the interregnum, Civil Misc.bearing No.15238 of 2019 for staying the operation of the impugned order was filed.

For the reasons mentioned in CM No.13852 of 2019, the same is allowed and the writ petition is restored to its original number.

CWP No.17530 of 2019

The facts and circumstances leading to filing of the present writ petition, in brief, are recapitulated as under:-

Petitioner had been working as District Marketing Enforcement Officer (DMEO), Haryana State Agriculture Marketing Board, Fatehabad and vide impugned order dated 27.06.2019 erroneously and arbitrary ordered to be deployed at Headquarters, Panchkula, though there is no sanctioned post or any provision of deployment in the service rules. In fact, respondent No.2 is nursing a personal grudge against the petitioner. Prior to the impugned order, petitioner vide order dated 17.10.2017 (Annexure P-2) was deployed at Headquarters and assailed the aforementioned order vide CWP No.24021 of 2017, but during the pendency of the writ petition, the aforementioned order was cancelled.

Mr. Jagjit Singh Gill, learned counsel representing the petitioner submitted that respondent No.2 could not transfer the petitioner owing to the imposition of code of conduct issued during elections held in Panchkula. In order to harass and humiliate, due to personal grudge of respondent No.2, he has been replaced with one Om Parkash Rana. In similar circumstances, two employees, namely, Sultan Singh and Ombir Singh, who were also issued the deployment/transfer orders, approached this Court and the operation of the aforementioned orders were stayed.

Next contended that the order of deployment is nothing but an outcome of animosity being nursed on behalf of respondent No.2.

I have heard the learned counsel for the petitioner and appraised the paper book.

The impugned order reads as under:-

***“OFFICE OF THE HARYANA STATE AGRICULTURE
MARKETING BOARD PANCHKULA.***

ORDER

The following DMEOs are hereby deployed as under:-

<i>Sr.No.</i>	<i>Name</i>	<i>From</i>	<i>To</i>
	<i>S/S</i>		
<i>1.</i>	<i>Hawa Singh</i>	<i>Fatehabad</i>	<i>H.Q.Panchkula</i>
<i>2.</i>	<i>Om Parkash Rana</i>	<i>Jhajjar, Rohtak,</i>	<i>Fatehabad</i>

(Addl.)

Sh.Shailesh Verma, DMEO, HSAM Board, Jind is hereby assigned the charge of DMEO's HSAM Board, Rohtak and Jhajjar in addition to his own duties without any extra remuneration.

These orders shall take immediate effect.”

The deployment does not amount to transfer. It is totally an administrative matter where the interference of the Court should not be warranted unless and until it is case of malafides supported by irrationality, unreasonableness and arbitrariness. Even the incumbent replaced by the petitioner has not been impleaded as a party, much less respondent No.2 in personal capacity has been impleaded.

Reliance on Annexure P-4 with regard to instructions of the Agriculture Minister, Haryana of not indulging into deployment cannot be construed to be a mandate of law, though a fainted attempt has been made that deployment is basically an attempt to camouflage the transfer which could not have been done owing to the elections which were going on at the relevant point of time. I am unable to accept the aforementioned contention, for the simple reason that there is no reference of any resolution denoting the charges deploying other person.

No ground for interference is made out. Writ petition stands dismissed.

November 05, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No