

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

**CWP-21247-2016 (O&M)
Date of decision-22.05.2019**

Harjinder Kaur and another

...Petitioners

Vs.

State of Punjab and others

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Onkar Rai, Advocate
for the petitioner(s).

Ms. Gunkirat Kaur, A.A.G., Punjab.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction for quashing the impugned order dated 23.08.2016 (Annexure P-4), whereby transfer of petitioner No.1 at Guru Nanak Dev Hospital, Amritsar and transfer of petitioner No.2 at Government Medical College, Amritsar have been cancelled.

Learned counsel for the petitioners states that respondent No.4- Director, Health and Family Welfare, Government of Punjab issued the advertisement for filling up various posts in the department. The petitioners applied for the same and qualified the written examination and thereafter, they were selected by the department and the department issued appointment letters alongwith their place of posting. On receipt of appointment letters, petitioner No.1 joined at Civil Hospital, Phagwara District Kapurthala and petitioner No.2 joined at Community Health Centre,

Nathana, District Bathinda on 15.09.2014. They had submitted their representations for transferring them to District Amritsar in June, 2015 and considering the same they were transferred alongwith others to Guru Nanak Dev Hospital and Government Medical College Amritsar vide order dated 26.06.2015 (Annexure P-1). These colleges are under the control of respondent No.2-Director, Department of Research and Medical Education, Punjab. Respondent No.2 further directed the petitioners to submit their affidavits mentioning therein that they will not claim seniority for the service rendered with the Director, Department of Research and Medical Education, Punjab. Thereafter, some of the employees challenged the transfer order dated 26.06.2015 (Annexure P-1) by filing CWP No.16400 of 2015 wherein this Court issued notice of motion to the respondents and in response thereto, respondent No.2 filed a short reply taking the stand that the transfer order dated 26.06.2015 (Annexure P-1) has been cancelled *qua* the petitioners vide order dated 23.08.2016 (Annexure P-4).

Learned counsel for the petitioners further submits that petitioner No.1 has two sons and the elder son is suffering from stomach infections and wife of petitioner No.2 met with an accident and suffered back bone injury and the implementation of the impugned order will cause harassment and mental agony. Both the petitioners have submitted their representations dated 03.10.2016 (Annexures P-5 and P-6) to cancel the order dated 23.08.2016 (Annexure P-4) but till date they are working at their respective place of posting.

On the other hand, learned State counsel submits that the petitioners were transferred to District Amritsar at their respective place of posting but some employees of the Department Research Medical

Education, who were already working as Laboratory Attendants in Hospital and College at Amritsar resisted the order dated 26.06.2015 (Annexure P-1). It is not disputed that laboratory attendants are lower in hierarchy than the medical laboratory technicians Grade-II, the post to which they were elevated on being promoted and feeling aggrieved the Laboratory Attendants approached this Court by filing CWP No.16400 of 2015.

Heard.

In view of the above and considering the facts that the transfer of the petitioners would affect the promotional avenues of the Laboratory Attendants working there and to avoid such problems, the impugned order dated 23.08.2016 (Annexure P-4) was rightly passed by the authorities below. No fault can be found with the impugned order. Consequently, the present petition is devoid of merits and is, hereby, dismissed.

(JITENDRA CHAUHAN)
JUDGE

22.05.2019

ps-I

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No