

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2256-2016

Date of decision:09.01.2019

Rajpal

...Petitioner

V/s.

Haryana State Agricultural Marketing Board
and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Devender Kumar, Advocate for
Mr. Jagjeet Beniwal, Advocate for the petitioner.

Mr. Namit Kumar, Advocate for respondent No. 1.

Mr. Kiran Pal Singh, AAG, Haryana.

RITU BAHRI, J. (Oral).

By this petition, the petitioner is seeking directions to the respondents to allow him to do his duty in the office of Market Committee Charkhi Dadri as per order dated 28.10.2015 (Annexure P-4) passed by the Deputy Commissioner, Bhiwani.

On 04.02.2016 notice of motion was issued and operation of the transfer order dated 18.01.2016 (Annexure P-7) was stayed. The petitioner had made a case that he was appointed as Fireman and he has been transferred from Market Committee Charkhi Dadri to Market Committee Siwani vide order dated 22.07.2015 (Annexure P-1) while there is no post of Fireman.

However, as per the written statement filed by respondent No. 2, the petitioner had made a request to the Deputy Commissioner vide letter dated 05.10.2015 (Annexure R-1) that when he was deployed in Market Committee, Siwani, there was no fire station and he was without any work and he made a request to engage him in the Market Committee, Charkhi

Dadri. Pursuant to his request, the Deputy Commissioner issued a direction vide letter dated 28.10.2015 (Annexure P-4) to post the petitioner at Market Committee, Charkhi Dadri as Fireman and this letter was not accepted by the Board as it is evident from letter dated 18.01.2016 (Annexure P-7) and he was directed to join at Market Committee Siwani immediately and thereafter the present petition was filed. After filing written statement, no replication has been filed by the petitioner.

Keeping in view the written statement filed by respondents No. 1, 3 and 4, that once the fire vehicle had been transferred to Market Committee Siwani vide letter dated 16.06.2015 (Annexure R-1), the petitioner had been rightly deployed at Market Committee, Siwani vide order dated 22.07.2015 (Annexure R-2) where he had already joined. The Deputy Commissioner had no occasion to pursue the letter dated 16.06.2015 (Annexure R-1) while entertaining the letter dated 05.10.2015 made by the petitioner to transfer him to Market Committee, Charkhi Dadri.

Dismissed.

(RITU BAHRI)
JUDGE

09.01.2019
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No