

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.27680 of 2019 (O&M)
Date of Decision.30.09.2019

Sukhwinder Singh ...Petitioner
Vs
State of Haryana and others ...Respondents

Present: Mr. Naresh Kumar Lambra, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Pardeep Solath, Advocate
for respondents No.2 to 4.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Written statement filed on behalf of respondents No.2 to 4 in
court today is taken on record.

The challenge in the present petition is to the order dated
13.09.2019 (Annexure P-1) whereby petitioner has been ordered to be
transferred from Shishu Greh, Panchkula to District Council, Panchkula.

Learned counsel appearing on behalf of the petitioner submitted
that vide Annexure P-2, petitioner was appointed as driver in the Shishu
Greh, Panchkula being run by the Haryana State Council for Child Welfare.
As per clause 3, it was approved that his service conditions would be
governed by the rules and regulations of the Council, enforced from time to
time and liable to serve at any place in the State of Haryana or outside as may
be required by the Council. However, the present place of posting will be
Shishu Greh, Panchkula. In fact, Employees Service Rules, 2017 of the
Haryana State Council for Child Welfare, definition of 'employees' means a
person appointed by the State Council against the post of HQs cadre or
district cadre. The power to grant leave to employees of Headquarter is with

Deputy Commissioner whereas of District Council is with Honorary General Secretary. Petitioner had already served legal notice (Annexure P-5) for setting aside the impugned order but the same did not yield any result, thus, compelled to file the writ petition.

On issuance of notice of motion, Mr. Pardeep Solath, caveator had accepted notice for respondents No.2 to 4 and filed reply in this regard by placing on record seniority lists of Headquarter Cadre and District Cadre as Annexures R-2/2 and R-2/3 where name of the petitioner is not mentioned. He contended that the petitioner was appointed only for the project and transferred from Sector 15 to Sector 14, Panchkula. In the absence of challenge to the seniority list or any placement in either of the cadre, writ petition does not lie.

I have heard learned counsel for the parties and appraised the paper book. Transfer is matter of exigency and purely administrative. Decision making process can be brought under judicial review, if it is irrational, mala fide or arbitrary, which has not been pointed out nor seniority list of Headquarter or District cadre has been disputed. Shishu Greh, Panchkula has been registered vide certificate dated 28.11.2017. The appointment letter of the petitioner clearly specifies that he has been appointed for that particular project, thus, he cannot challenge seniority list claiming himself to be member of the Headquarter cadre. No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

September 30, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No