

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

CWP NO. 445 OF 2020

DATE OF DECISION : 07.12.2020

Manish Goel

...Petitioner

Versus

State of Haryana and others

...Respondents

And

CWP No. 14876 of 2020

Manish Goel

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bhupinder Malik, Advocate,
for the petitioner (s).

Ms. Kirti Singh, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL).

1. Vide this common order, I intend to dispose of above mentioned two writ petitions, as common questions of facts and law are involved therein. For brevity, the facts are being taken from CWP No. 445 of 2020.

2. The petitioner has approached this Court, *inter alia*, seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order/letter dated

03.01.2020 (Annexure P-7) alleging that he has been illegally relieved by respondent No.3 in violation of directions dated 14.03.2019 (Annexure P-1) issued by respondent No.2. Further prayer has been made to take the petitioner back on duty immediately in compliance to the directions dated 28.09.2019 (Annexure P-4) issued by respondent No.2.

3. The petitioner initially joined as Extension Lecturer in Government College, Ambala on 22.12.2005. Later, he served as Extension Lecturer in different Colleges. It is the case of the petitioner that in defiance of the instructions dated 14.03.2019 issued by the Director, Higher Education for not relieving the Extension Lecturer only on account of decreased work load, he was relieved of his duties, leading to filing of CWP No. 25602 of 2019. The petitioner was consequently taken back in service and the said writ petition was disposed of. The grouse of the petitioner is that now on 03.01.2020 respondent No.3 has relieved him mid-session only on the ground of insufficiency of workload. Hence, instant writ petition has been filed.

4. It is apt to mention here that by virtue of interim directions passed in this case, the petitioner was taken back in service and he joined as such on 11.01.2020. However, this time again, due to insufficiency of work at Government College, Ambala, the petitioner was relieved of his duties and transferred at Hisar, leading to filing of CWP No. 14876 of 2020.

5. From the pleadings of the parties, the short controversy involved herein is whether the petitioner is entitled to continue as an Extension Lecturer at Government College, Ambala where he was posted at the relevant time but later on he was transferred from there to Government College, Hisar, on account of decrease in work load.

6. While on one hand, learned State counsel submits that there is zero work load in respondent No.3 College qua the stream in which the petitioner is a Lecturer

and therefore, he cannot be permitted to continue at the said College as a matter of right as is being claimed by him. On the other hand, learned counsel for the petitioner contends that as per his information, there is sufficient work load for the petitioner at respondent No.3 College. He places reliance on Annexure P-11 in this regard.

7. Be that as it may, it is for the employer to determine whether the services of an employee are required at a particular place and this Court sitting in extraordinary writ jurisdiction cannot determine the said requirement of the employer.

8. Learned State counsel fairly submits that she had instructions from the competent officer i.e Mr. Arun Joshi, Deputy Director, Higher Education Haryana and as per work requirement, petitioner's services are presently required at Government College, Hisar.

9. In the premise, the writ petition is disposed of in terms of statement made by learned State counsel, which will be binding on the official respondents. It is, however, made clear that the contention of learned counsel for the petitioner that work load is available at an alternative place and petitioner can be adjusted there, is completely disregarded. As already discussed, it is to be determined by the employer as to where the services of an employee are required

10. The petitioner is at liberty to join at Government College, Hisar within a period of 07 days of communication of fresh orders by the competent authority. The arrears of salary, if any, be released to the petitioner within a period of 30 days from today. It is further clarified that the fresh transfer order, so passed, shall not come in way of petitioner, in case he wishes to apply as an Extension Lecturer in any other alternative College. In case any such application is filed, the same shall be entertained and appropriate orders thereupon shall be passed in accordance with law.

11. Disposed of with above observations.

12. Pending applications(s), if any stand disposed of.

DECEMBER 07, 2020
shalini/ Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No