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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.7411 of 2020 (O&M)

Date of Decision: 04.09.2020

Sandeep Khunger

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gaagan Pradeep Singh, Advocate for the petitioner.

Ms. Sunint Kaur, Assistant Advocate General, Punjab.

Mr. Rajeev Kawatra, Advocate for the applicant.

[in CM Nos. 6804 & 6805-2020].

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] The present petition is filed seeking quashing of order dated 20th March, 2020 Memo No. 202068752, annexed with this petition as Annexure P-2, whereby the petitioner has been transferred from GSSS (Boys) Fazilka to Sh. Guru Arjun Dev Government Senior Secondary School (Girls), Tarn Taran.

[3] The facts in brief are that a complaint was received against the petitioner wherein it was alleged that he is giving tuitions and running an academy. On the basis of complaint, disciplinary proceedings were initiated and in the meantime, the petitioner was transferred.

[4] Learned counsel for the petitioner submit that from the

transfer order, it is clear that he has been punished on the basis of complaint received.

[5] Learned counsel for the State submits that, though no reply has been filed, she has instructions to submit that transfer was purely on the administrative grounds. She further submits that the transfer itself does not amount to punishment.

[6] Heard learned counsel for the parties.

[7] From perusal of the transfer order, it is apparent that in starting paragraph, there is discussion with regard to the complaint received and that the allegations have been proved. However, in the concluding paragraph, it is stated that the transfer is on administrative ground.

[8] Learned State counsel is unable to explain the contradiction.

[9] Seeing the contradiction in the order, the order is set aside. The petition is disposed of with liberty to the respondent to pass a fresh order.

[10] The fresh order be communicated to the petitioner at the earliest and not later than 15th October, 2020.

[11] However, it is clarified that setting aside of the order will not be construed as opinion on merits of the case.

[12] In view of the fact that the main petition is disposed of, the pending applications have been rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

4th September, 2020
pankaj baweja