

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-366-2021 (O&M)
Date of decision: 29.10.2021

Pardeep Kumar Kalia

.... Appellant

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. R.C. Sharma, Advocate
for the appellant.

(Through Video Conferencing)

G.S. SANDHAWALIA, J (ORAL)

CM-2294-LPA-2021

Application under Section 151 CPC for placing on record documents (Annexures P-16 to P-18) is allowed, subject to all such exceptions. Annexures P-16 to P-18 are ordered to be taken on record.

LPA-366-2021

The present letter patent appeal is directed against the order dated 03.03.2021 of the learned Single Judge in CWP No.970 of 2021. The transfer order of the appellant has been upheld by giving some relief partly to him by directing that the same shall not be treated as stigmatic order. It has also been noticed that show cause notice has already been issued to the appellant and he can file his reply and liberty to take all the defences before the concerned authority.

Learned counsel for the appellant vehemently argued that departmental proceedings as such have been initiated against the appellant and not against the other officer, therefore, he has submitted that the transfer orders should have been interfered with by the learned Single Judge.

A perusal of the paper book would gone to show that there was a dispute which was between the appellant and Smt. Pooja Rani, Punjabi Mistress regarding the key of the room in which the attendance register was being kept. Respondent No.2 had directed that keeping in view the report made by the District Education Officer that the appellant be transferred from Government Middle School, Rayya, Khurd (Amritsar) to Government Senior Secondary School, Chamiani (Amritsar) vide impugned order dated 30.12.2020 (Annexure P-12), which was the subject matter of challenge in the writ petition.

It is also to be noticed that the other teacher Ms. Pooja, Punjabi Mistress, temporary adjustment of whom had been made at Rayya, Khurd was cancelled and she was also instructed to mark her presence in her parent school, i.e. Government Middle School, Umra Nangal vide order dated 26.10.2020 (Annexure P-11). On account of both the teachers fighting themselves, they have been sent out from the school concerned for administrative exigency.

In such circumstances, this Court is of the opinion that learned Single Judge has already protected the interest of the appellant, whereby it has been directed that order of transfer for him and the other teacher, namely, Pooja Rani may not be treated as stigmatic order.

No substantial question of law has arisen which would require consideration by this Court. Resultantly, there is no merit in this present appeal and the same is dismissed.

Even otherwise, it is to be noticed that the transfer is within the same district and, therefore, there was rightly no interference in the impugned order. It is settled principle that orders of transfer are administrative orders and it is not for this Court to substitute its opinion against the opinion of the authorities.

**(G.S. SANDHAWALIA)
JUDGE**

**(PANKAJ JAIN)
JUDGE**

29.10.2021
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No