

CWP-11131-2021

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HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.11131 of 2021
Decided on : 27.09.2021**

Rajesh

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.Aman Chaudhary, Advocate, for the petitioner.

Mr.Rajneesh Chadwal, AAG, Haryana.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the order dated 10.06.2021 (Annexure P-6) whereby the petitioner has been shifted from Government Polytechnic Education Society (GPES), Shergarh, District Kaithal and sent back to GPES, Loharu.

A perusal of the said order would go on to show that the State had cancelled the deputation and provisional shifting/head-quarter shifting of such employees of Government Polytechnic Education Societies who were shifted to other institutions/organisations. Resultantly, the petitioner has been sent back to Government Polytechnic Education Society, Loharu, Bhiwani. Petitioner had been appointed on 14.08.2007 (Annexur P-1) and had been posted at Loharu and thereafter, was shifted on 09.10.2017 (Annexure P-2) to Shergarh, till further orders.

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Said order has been justified by the State in its reply that due to rationalization of the diploma courses and restructuring of teaching posts in various Government Society Polytechnics, teaching posts were created as well as abolished. Due to the abolition of the posts, 30 faculty members of various Government Society Polytechnics became surplus and they were provisionally shifted to other Government Society Polytechnics which action had also been challenged in this Court by various employees.

Keeping in view the fact that petitioner was initially appointed and posted at Loharu and has only been shifted back, this Court is of the opinion that the said action does not require any interference as the said shifting back has also been done after a period of more than 3 years. Therefore, the petitioner cannot complain of such action as he is required to serve at his place of posting for purpose of administrative exigency, if any posts have been abolished. Even otherwise, it is admitted fact that the petitioner had represented on 16.06.2021 (Annexure P-7) against the shifting and has already joined back after that.

Keeping in view the above, no case is made out for interference in the order dated 10.06.2021 (Annexure P-6). Accordingly, the present writ petition is hereby dismissed.

September 27, 2021
sailesh

(G.S.Sandhawalia)
Judge

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No