

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

LPA-1009-2021(O&M)
Date of decision: 29.11.2021

Pardeep Kumar Mandal

... Appellant

Versus

Haryana State Council for Child Welfare, Chandigarh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

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

Mr. Arun Singal, Advocate, for respondent No.3-Caveator.

RAVI SHANKER JHA, C.J. (Oral)

CM-2386-LPA-2021

For, the main case itself has since been disposed of, no orders are required to be passed in this application.

LPA-1009-2021(O&M)

This appeal has been filed by the appellant being aggrieved by order dated 11.10.2021, passed by the learned Single Judge in Civil Writ Petition No.20856 of 2021, dismissing the petition filed by the petitioner against order dated 24.09.2021, vide which the petitioner had been transferred from the post of Programme Officer, Haryana State Council for Child Welfare to the post of Project Officer, Balkunj, Chhachhrauli.

The only issue raised by the appellant in the appeal assailing the order of the learned Single Judge is that the petitioner has been transferred to an ex cadre post which is lower in rank to the post of Programme Officer

that is regularly held by the petitioner and as such the transfer would effect the petitioner's seniority as well as status in the original cadre.

The respondent(s) had denied the aforesaid aspect and, therefore, they were directed to file an affidavit verifying this aspect. The respondents have filed an affidavit, wherein the respondents have stated as under:

“...At present the post of Project Officer is lying Vacant as Sh. Rajinder Behl has been transferred from Balkunj. The post of Project Officer is higher than the post of Programme Officer. The appellant is being attached to the Balkunj Chhachhrauli as Project Officer keeping in mind the seriousness of the situation. His seniority will not be affected and seniority of Head Office Cadre will be given to him. Even his salary will be paid from Head Office in the existing pay scale of the post of Programme Officer. Even during the period, he did not join the duty, he was paid salary from the Head Office.”

From the aforesaid affidavit, it is evident that the appellant has been posted at Balkunj, Chhachhrauli as Project Officer which post carries a higher pay scale than the Programme Officer and that the petitioner's seniority and pay at Headquarters would not be affected and his cadre shall not be changed under any circumstances.

In the circumstances and in view of the statement made by learned counsel for respondent No.3, we find no reason to interfere with the

order dated 11.10.2021, passed by the learned Single Judge. The appeal filed by the appellant is disposed of taking the affidavit dated 24.11.2021, and the statement thereon made by learned counsel for respondent No.3, on record as **Document ‘A’** and modifying the order passed by the learned Single Judge in terms thereof.

(**Ravi Shanker Jha**)
Chief Justice

(**Arun Palli**)
Judge

29.11.2021
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO