

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 7711 of 2022

Date of Decision: April 18 , 2022.

Kanhia Lal

..... PETITIONER (s)

Versus

State of Haryana and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manoj Makkar, Advocate
for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This writ petition has been filed for quashing of order dated 31.03.2022 qua the petitioner whereby he has been transferred/adjusted at Government Industrial Training Institute, Sonipat, being surplus.

Petitioner was admittedly appointed as a Machinist Grinder Instructor at Government Industrial Training Institute at Rohtak on contract basis on 25.08.2014 and he continued to work there as such. The petitioner has now been adjusted at Government Industrial Training Institute, Sonipat vide impugned order dated 31.03.2022 being surplus. Aggrieved therefrom, this writ petition has been filed.

Learned counsel for the petitioner argues that the petitioner has

been incorrectly and illegally transferred from the Government Industrial Training Institute, Rohtak to the Government Industrial Training Institute, Sonipat. Respondent No.4, it is submitted, has been teaching at Rohtak since the last 15 years and he has not been transferred whereas, the petitioner has been teaching there only since 2014, therefore, his transfer is clearly unjustified and illegal. Petitioner, it is submitted, is facing various family problems due to which he should not be transferred from Rohtak to Sonipat. It is thus prayed that this petition be allowed and the impugned order be set aside.

I have heard learned counsel for the petitioner and have gone through the file.

It is a matter of record that the petitioner has been appointed as a Machinist Grinder Instructor at Government Industrial Training Institute at Rohtak on 25.08.2014 on contract basis. He is not a regular employee. Therefore, there is no question of drawing any comparison or similarity with respondent No.4, who is admittedly a regular employee. Moreover, it is to be noticed that on services of the petitioner being found surplus, he has in fact been adjusted by the respondents at Government Industrial Training Institute, Sonipat for rest of the period of his contract, which comes to an end on 30.06.2022.

It is clearly mentioned in order dated 31.03.2022 that on account of no admissions for the session 2021-2022 in Government Industrial Training Institute at Rohtak and Kiloj (Rohtak) for the Trade Machinist Grinder and Auto Body Repair, the petitioner and others have been adjusted being surplus. In this view of the matter, reliance by learned counsel for the petitioner on the Transfer

Policy dated 20.03.2020 is clearly misplaced. Petitioner is admittedly not a regular employee of the respondents and there is nothing on record to indicate the applicability of the Transfer Policy to contractual employees. There is thus no question of the respondents following the Transfer Policy in the given factual matrix, as is sought to be urged before this Court.

Learned counsel for the petitioner is unable to point any illegality or infirmity in the impugned order dated 31.03.2022, which calls for interference by this Court.

Writ petition is accordingly dismissed being devoid of any merit.

April 18 , 2022.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No