

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

LPA No. 1181 of 2022 (O & M)

Date of Decision: 22.12.2022

Dilbag Singh

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Vijay Pal, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present letters patent appeal is to the judgment dated 12.12.2022 passed by the learned Single Judge in CWP No. 4761 of 2020 whereby challenge to the order dated 12.02.2020 (Annexure P-6) vide which the petitioner was transferred from Government College, Adampur, Hisar to Government College, Palwal was rejected. Rather, the learned Single Judge also imposed costs of Rs.10,000/- to be deposited with Prabh Aasra, u/o Universal Disable Care Taker Social Welfare Society, who are maintaining orphans.

The learned Single Judge has noticed that the petitioner has been working for the last 14 years at Hisar, earlier as a Guest Faulty Lecturer and from 2015 as a regular employee and allegations of *mala fide* have been levelled against the ex-Principal of the respondent-college where he was working at Hisar and finding that not justified, costs have been imposed. Resultantly, the argument raised that there were no regular sanctioned posts at Palwal and the salary was to be drawn from Hisar was also kept in mind

while noting that as per the response of the respondents, there was workload

of 4 teachers at Palwal and Extension Lecturers were working and, therefore, the services of the petitioner were very much needed.

It is settled principle that the transfer is an exigency of service and in such circumstances because the petitioner has been moved out after a considerable period would not as such give him a cause of action to impugn it by raising the grounds of *malafides*. It is also to be noticed that on an earlier occasion when he was transferred to Mahendergarh in the year 2019, he had also raised challenge to it. Thus, it is apparent that the learned Single Judge was well justified to hold that this Court has been swamped by writ petitions challenging transfer orders which is not within the domain of this Court to control the administrative exigencies of service of the Education Department.

Resultantly, we do not find any ground to interfere in the order of the learned Single Judge and, therefore, the present appeal stands dismissed.

(G.S. SANDHAWALIA)
JUDGE

22.12.2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No