

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

116

CWP-5848-2023 (O&M)
Date of decision: 24.05.2023

Pardeep Kundu ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vineet Kumar Jakhar, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

CM-5497-CWP-2023

Prayer in the application is for placing on record Annexures P-30 and P-31 with exemption from filing the certified/true copies of the same.

Application is allowed as prayed for. Annexures P-30 and 31 are taken on record.

Main case:

Prayer in the present petition is for issuance of directions to the respondents to consider the claim of the petitioner for his adjustment.

Learned counsel for the petitioner submits that the petitioner was appointed as a Lecturer in the Education Department on 16.03.2015; that since 01.08.2015, the petitioner has been posted in respondent No.3-College and that the petitioner has regular threat from respondent No.4-Dr. Anita Phogat, who also working in the same College. He further submits that on 19.10.2022, respondent No.4 assaulted and slapped the petitioner in the Principal's Office and qua the said occurrence a complaint has also been submitted by the petitioner to respondent No.2; that as a counterblast to the

said complaint of the petitioner, respondent No.4 has registered a false FIR

bearing No.333 dated 08.11.2022 at Police Station Salhawas, Jhajjar and that the cancellation of FIR, registered at the instance of respondent No.4, is in process. He further submits that the petitioner is a repudiated Assistant Professor and in the interest of justice and welfare of students, it will be better to transfer respondent No.4 or the petitioner from the present place of posting.

Notice of motion to respondent Nos.1 to 3 only at this stage.

On the asking of this Court, Mr. R.S. Budhwar, Addl. AG Haryana, accepts notice on behalf of the respondent-State and submits that he has no objection, if the directions are issued to transfer respondent No.4 or the petitioner from the present place of posting, are issued. He further submits that the instructions have already been given that respondent No.4 will not interfere in the ACRs of the petitioner.

I have heard the learned counsel for the parties and have also gone through the paper-book.

In view of the above limited prayer of the learned counsel for the petitioner, without expressing any opinion on the merits of the case, liberty is granted to the petitioner to move an application for his transfer with three preferences for his posting within 15 days from today and respondent No.2-Director, Department of Higher Education, Haryana, is directed to decide the same sympathetically, by passing a speaking order within a period of eight weeks from the date of receipt of certified copy of this order, in accordance with law.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

24.05.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No