

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15316-2021(O&M)
Date of decision: 16.02.2023

RAJWINDER KAUR

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukhjit Singh, Advocate
for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. The petitioner assails the correctness of the order dated 07.07.2021 transferring her from Mohali District to Mansa District. The petitioner is working as an Auxiliary Nurse and Midwife(ANM). She claims that her transfer has been ordered on account of influence of Sardar Hardial Singh Kamboj, MLA, Rajpura. He has not been impleaded as a party.

2. The learned counsel representing the petitioner submits that from the reading of Annexure P-3, it is evident that Sardar Hardial Singh Kamboj, MLA, Rajpura, was instrumental in getting her transferred. On careful reading of the Annexure P-3, it is evident that he just wrote a letter that there is a general complaint that she does not behave with the public as well as the Panchayat Members in a good manner and uses foul language.

3. While filing the reply, the respondents have highlighted the following extract:-

“It is pertinent to mention here that the answering respondents have received so many oral complaints against the petitioner and she was warned so many times to keep her conduct proper with the public. Even the

public representative at village level the Gram Panchayat of four villages have made written complaint against the Petitioner on dated 07.05.2021, regarding her misconduct with the Public as well as the representative of the Public. The answering respondent No. 2 marked the enquiry to the answering respondent No. 4 on the complaint of four gram panchayats against the petitioner. It is pertinent to mention here that the answering respondent No.4 made a detailed enquiry by calling the witnesses and the material came on record and finalized the enquiry report on dated 20.08.2021 with the recommendations on the basis of facts and material came on records

.That the conduct of the petitioner is not appropriate with the public and representative of the public.

.That the behaviour of the petitioner was not appropriate with the co-employee for which she has earlier warned and told to improve her behaviour with the co-employee.

.It appears that the petitioner only highlighted the one case of issuing death certificate, tried to mislead the department.

.On the basis of a video audio recording against the petitioner clearly shows that petitioner should tell the procedure to the people with politeness rather than shouting upon them in a louder voice, it amounts to misconduct against the rules of the department to shout on the patient and public in louder voice. Such type of conduct gives a bad impression on the reputation of the department in public at a large.

.It is also recommended for taking disciplinary action by the department.”

4. Some sort of enquiry into the allegations, though not disciplinary, is pending against the petitioner.

5. The petitioner is employed as an Auxiliary Nurse and Midwife(ANM) in order to visit the villages and guide the residents of the villages in improving their hygiene apart from providing them primary help in the case of emergency.

6. The learned State counsel has submitted that the petitioner is a State cadre employee and she can be transferred at any place in the State according to the requirement. Transfer of an employee is one of the necessary elements of service.
7. Keeping in view the aforesaid facts and discussion, no ground to issue the writ as prayed for is made out.
8. Dismissed.
9. All the pending miscellaneous applications, if any, are also disposed of.

February 16, 2023
nt

(ANIL KSHETARPAL)
JUDGE

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