

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22871-2023
Date of decision: 29.11.2023

Gurpal Singh*Petitioner*

V/s

Shiromani Gurdwara Parbhandak Committee and another
...*Respondents*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Amit Arora, Advocate
for the petitioner.

Mr. M.S. Virk, Advocate
for the respondents.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing impugned orders dated 27.09.2023 (Annexure P-3) passed by respondent No.2 vide which the petitioner has been ordered to be transferred from Sub-Office, Dharam Parchar Committee, Sri Anandpur Sahib (Ropar) to Sikh Mission Haryana at Kurukshetra and further directions be issued to respondents to allow the petitioner to continue at his present place of posting i.e. Gurudwara Amb Sahib, S.A.S. Nagar.

The facts emanating from the present petition would reveal that the petitioner was initially appointed to the post of "Parcharak" on contract basis vide orders dated 30.03.2019 for a period of one year and posted at Sub Office, Dharam Parchar Committee, Takht Sri Keshgarh Sahib, Sri Anandpur Sahib (Ropar) and the place of posting of the petitioner is Gurudwara Amb Sahib, Phase

renewed from time to time and ultimately the services of the petitioner were regularized vide orders dated 07.05.2022. The petitioner was posted in Gurudwara Amb Sahib, Phase 8, SAS Nagar (Mohali) and the quarter no 36, Gurudwara Amb Sahib was allotted to him where he is residing with his family. Now, vide impugned order dated 27.09.2023 the petitioner has been ordered to be transferred from Sub Office Dharam Parchar Committee, Shri Anandpur Sahib (Ropar) to Sikh Mission Haryana at Kurukshetra without any justification, illegally, arbitrarily and against the instructions/guidelines for transfer.

Vide order dated 16.10.2023, Mr. M.S. Virk, Advocate had put in appearance on behalf of the respondents and filed reply dated 16.10.2023. Learned counsel for the respondents while referring to the reply submitted that as per the service rules and terms and conditions agreed upon by the petitioner, the petitioner's transfer has been carried out exclusively on administrative grounds.

Learned counsel for the petitioner contends that there is only one post of Parcharak 'C' Class in Sikh Mission Haryana where the petitioner has been transferred and the said post is not vacant hence, the transfer of the petitioner cannot be made as there is no vacancy at Sikh Mission Haryana. He further contends that as per service rules the petitioner can be transferred to the same post under same pay grade and once there is no post lying vacant at Sikh Mission Haryana against the post on which the petitioner is working, the impugned order is not sustainable and same deserves to be set aside.

Learned counsel for the respondents submits that petitioner accepted the terms and conditions laid down in his appointment letter which explicitly permits the respondents to effect the petitioner's transfer based on either administrative reason or in response to complaint lodged against the petitioner

further argues that the transfer of an employee is a prerogative of an employer and an employee in service can always be transferred on administrative grounds in order to maintain harmonious atmosphere for smooth functioning of the Institution.

Learned counsel for the respondents also submits that the petitioner had been ordered to be posted at different stations and transferred in response to complaint of misconduct, misbehaviour, disrespect towards Guru Granth Sahib and has referred to the stand taken by the respondents in its reply drawing attention of this Court to the various orders mentioned in Para 5 of the said reply with regard to misbehaviour, facing enquiry, misconduct and causing embarrassment to the Institution related to the petitioner’s conduct.

I have heard learned counsel for the parties and have gone through the case file minutely.

Keeping in view the conduct of the petitioner as well as the explanation given by the respondents for transferring the petitioner on account of administrative grounds, this Court is not inclined to interfere in the transfer order dated 27.09.2023 (Annexure P-3). Hence, the present writ petition is dismissed.

29.11.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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