

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-393-2023

Date of decision:- 10.01.2023

Shammi Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jitender S. Chahal, Advocate for the petitioners.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to repatriate the petitioners from Agriculture & Farmers Welfare Department, respondent No.3, to Minor Irrigation Scheme/Cadre under Irrigation & Water Resources Department, respondent No.2, as the petitioners were appointed in Minor Irrigation Scheme/Cadre, which has been transferred to Irrigation & Water Resources Department by amending the Haryana Government (Allocation) Rules, 1974 vide notification dated 21.09.2020, Annexure P-1.

Counsel for the petitioners submits that the petitioners are working on different posts with Minor Irrigation Scheme under the Department of Agricultural and Farmers Welfare. He submits that the scheme was transferred to Department of Irrigation and Water Resources w.e.f. 21.09.2020. It is his case that by virtue of letter, Annexure P-2, options were called from Class III and IV employees, within two days, as to whether they want to be transferred to the new Department. Counsel submits that although

the petitioners initially refused transfer to the new Department, but by a subsequent application dated 08.02.2021, Annexure P-3, they opted for the transfer. He submits that by office order dated 21.09.2021, Annexure P-4, 63 employees of Minor Irrigation Scheme, including the petitioners, were transferred to the new Department. He submits that in so far as the petitioners were concerned, they were transferred on deputation till 31.03.2022 and they were repatriated to the Department of Agriculture & Farmers Welfare w.e.f. 01.04.2022. It is his grievance that despite having given a specific option vide representation dated 08.02.2021, Annexure P-3, no final decision has been taken by the respondents.

Notice of motion.

On asking of this Court, Mr. Pankaj Middha, Additional Advocate General, Haryana accepts notice on behalf of respondents.

Given the nature of order being passed, this Court does not deem it necessary to call for a return from the respondents.

Keeping in view the fact that the option, exercised by the petitioners, is still pending with the respondents, writ petition is disposed of with a direction to Director General, Department of Agricultural and Farmers Welfare, respondent No.4, to take a final decision thereon within a period of two months from the date of communication of this order.

10.01.2023
Kamal/Harish Kumar

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No