

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

CWP-6973-2018 (O&M)

Date of decision: 02.02.2023

Hardeep Singh

...Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioner

Mr. D.K.Singal, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

Learned counsel representing the petitioner has not come forward to press this writ petition. The petitioner prays for the following reliefs:-

“i. To issue a writ in the nature of Certiorari quashing the order dated 27.2.2018 (Annexure P-3) vide which the petitioner is being transferred different District Tarn Taran from District Faridkot in total violation of their own instructions, which states that the husband and wife if working should be allow to continue on the same station and moreover, the same is by way of punishment without any reason and justification.

ii. Further quashing of enquiry report dated 26.7.2017 (Annexure P-1) and consequent punishment order dated 27.2.2018 (Annexure P-5) vide which the petitioner has been punished by bringing down to the basic pay in a totally illegal and arbitrary manner.

iii. Further quashing of order dated 14.3.2018 (Annexure P-6) vide which the petitioner has been suspended in a totally illegal manner as he was being relieved by the school on 13.3.2018 and the transfer order and punishment order were also being handed over to him on 14.3.2018 and the same clearly sows that the impugned order are being passed just to harass the petitioner.

iv. To issue a writ in the nature of mandamus directing the respondents to allow the petitioner to

continue on the present place of posting with all consequential benefits and the petitioner be allowed to work on the said post.”

With the able assistance of the learned counsel representing the State of Punjab, this Court has gone through the paperbook. The petitioner assails the correctness of his transfer order and the order of his suspension.

Paragraph 3 of the reply filed by the respondents reads as under:-

“3. That it is further submitted that while posted as clerk in Govt. Girls Senior Secondary School Kotkapura the petitioner in connivance with Principal issued premature retirement order to one Davinder Kaur, SS Mistrress and drew Rs.7,12,330/- as Gratuity and Rs.2,53,534/- as leave encashment of said teacher against rules. The petitioner also described bogus dairy/dispatch numbers without maintaining dairy and dispatch register in school. The pension case dated 30.04.2015 of a teacher namely Davinder Kaur, retiree was sent to District Education Officer (Secondary) on 30.11.2015 i.e 7 months after the retirement whereas the pension case was to be sent six months earlier from date of retirement. Thereafter, the petitioner was transferred on administrative grounds vide letter no. 4/36/16-1 edu 4/1178484/1-4 dated 06/03/2018 to Govt. Senior Secondary School Kacha Pakka District Tarantaran. However the petitioner did not join at the transferred school wilfully and hence, disobeyed the order of the department, so he was suspended vide order dated 14.3.2018 (Annexure P-6). The petitioner has challenged the said order in present writ petition.”

Learned State counsel has informed the Court that the petitioner has also been charge-sheeted under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970.

In view of the aforesaid, this Court does not consider it appropriate to grant the relief in the exercise of its extraordinary writ

jurisdiction.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also
disposed of.

02.02.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE