

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

110

CWP-9096-2024 (O&M)  
Decided on : 24.04.2024

DEEPAK AND OTHERS

...Petitioner

Versus

STATE OF HARYANA & OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Ravinder Singh Dhull, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana.

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HARSIMRAN SINGH SETHI, J. (Oral)

1. Learned counsel for the petitioners submits that vide transfer order dated 16.04.2024 (Annexure P-1), the petitioners have been transferred in mid-term and that too in violation of the instructions issued by the Election Commission that no one can be transferred without permission of the Election Commissioner hence, transfer order dated 16.04.2024 (Annexure P-1) may kindly be set-aside, being arbitrary and illegal.

2. Notice of motion.

3. Mr. Harish Nain, AAG, Haryana, accepts notice on behalf of respondents-State.

4. Learned counsel for the respondents submits that the petitioners are creating hindrance in the proper working of the department concerned and they were sitting on a *Dharna* outside the department concerned and the department was left with no other remedy but to approach the Civil Court so as to lift up the said *Dharna* which shows that as to how the petitioners are working qua their job respectively.

5. Learned counsel for the respondents further submits that as per

the instructions received from Mr. Pradeep Ahlawat, HCS, Additional Director State Transport, during the period of elections, the petitioners will remain posted at the place of posting as per the transfer order dated 16.04.2024 (Annexure P-1) but thereafter, within the period of three weeks after the conclusion of elections, an appropriate consideration will be given on the claim of the petitioners qua their transfer so as to post the petitioners at a nearby station to Rohtak wherever it is found feasible.

6. Learned counsel for the respondents further submits that the petitioners have to give an undertaking that they will not obstruct the working of the department in any way and they will behave like “an employee” not like “the leaders of the employees”.

7. Upon this, learned counsel for the petitioners keeping in view the instructions given to him by one of the petitioner who is present in the Court, submits that the petitioners will work as required under law and will not obstruct the working of the department concerned and keeping in view the statement of learned State counsel recorded herein above that after the completion of the election, within the period of three weeks, all the efforts will be made by the respondents to post the petitioners at a nearby station to Rothak, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)  
JUDGE

24.04.2024

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Whether speaking/reasoned: Yes/~~No~~  
Whether Reportable: ~~Yes~~/No