



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112+294)

CM-19229-CWP-2024 in/and
CWP-25721-2023 (O&M)
Date of Decision : 27.11.2024

Sunil Khosla

...Petitioner

Versus

Panjab University and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R. Kartikeya, Advocate for the petitioner.

Mr. Akshay Kumar Goyal, Advocate
for respondents No. 1 and 2.

Harsimran Singh Sethi J. (Oral)

CM-19229-CWP-2024

Present application has been filed for placing on record rejoinder
to the written statement filed on behalf of respondents No. 1 and 2.

Application is allowed and rejoinder to the written statement
filed on behalf of respondents No. 1 and 2 is taken on record with all just
exceptions.

CWP-25721-2023 (O&M)

1. In the present petition, the challenge is to the order of transfer
dated 07.11.2023 (Annexure P-10) by which the petitioner has been
transferred from Baba Balraj PU Constituent College, Balachaur to Shaheed
Udham Singh PU Constituent College, Guru Har Sahai, Ferozepur.



2. Learned counsel for the petitioner argues that the post of the Principal in Baba Balraj PU Constituent College, Balachaur was advertised and the petitioner was selected to be appointed as a Principal in the said Constituent College, hence, petitioner could not have been transferred to any other Constituent College of Panjab University, hence, the impugned order of transfer dated 07.11.2023 (Annexure P-10) is bad.

3. Learned counsel for the respondents, on the other hand, submits that there are Constituent Colleges which are being run by the Panjab University and there are six Colleges as of now, which are working, details of whom have been given in paragraph 2 of the reply and the Staff of the said Colleges can be inter-se transferred keeping in view the power admissible to the authorities concerned under Rule 10.1 of Chapter 4 relating to the Service and Conduct Rules for the University employees as mentioned at page 82 of the Panjab University Calender Vol. III. Learned counsel submits that the transfer has been ordered under the Rule, hence, no grievance can be made.

4. Learned counsel for the petitioner rebuts and submits that once the Rule under which the transfer has been effected was not made the part of the appointment order of the petitioner, the same cannot be made applicable.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The employees of the Panjab University are governed by the Service and Conduct Rules, which have been detailed in paragraph 2 of the reply. Non-mentioning of the said Rule in the appointment order does not take away the jurisdiction and authority to pass appropriate order in case, the



same exists under the Panjab University Calender. Learned counsel for the petitioner has not been able to deny the jurisdiction/authority of the respondents to transfer the petitioner to any other Constituent College but submits that as the Rule was not made part of the appointment order, the power cannot be exercised.

7. The Rules need not be mentioned in the appointment order. Once, the particular Rules have been framed which are applicable upon employees, the same can be made applicable upon the employees irrespective of the fact whether, the same was mentioned in their appointment order or not.

8. Further, learned counsel for the petitioner has argued that the petitioner was appointed specifically with the Baba Balraj PU Constituent College, Balachaur, hence, he could not be transferred. It may be noticed that at the time when the post was advertised, the same was available to be filled in the College concerned and description of the post was given. Merely the description of the post was given in the advertisement does not mean that the power to implement the Rules under which the transfer can be made of the employees of the University from one Constituent College to another Constituent College, cannot be exercised.

9. Learned counsel for the petitioner has not been able to show any Rule stating that once appointed in a particular College the employee will remain there only and cannot be transferred. Learned counsel for the petitioner conceded that in the subsequent advertisement, it was duly mentioned that the employee can be transferred inter-se within the



Constituent College. That being so, the petitioner’s transfer from Baba Balraj PU Constituent College, Balachaur to Shaheed Udham Singh PU Constituent College, Guru Har Sahai, Ferozepur cannot be treated as arbitrary and illegal or without any jurisdiction.

- 10. No ground is made out for any interference by this Court in the present petition.
- 11. Dismissed.

November 27, 2024 (HARSIMRAN SINGH SETHI)
kanchan JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No