



CWP-15208-2025

-1-

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

120

CWP-15208-2025

Date of Decision: 28.05.2025

Sanjay Kumar alias Bidlan**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Rakesh Kumar, Advocate for the petitioner
Mr. Raman Sharma, Additional Advocate General, Haryana
Mr. Jagdish Manchanda, Advocate,
Mr. Nischal Chetanya Manchanda, Advocate,
Mr. Devyansh, Advocate,
Mr. Yogit Mehta, Advocate and
Mr. Saksham Kaushik, Advocate for respondent Nos.3 and 4

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.05.2025 (Annexure P-4) whereby he has been transferred from Municipal Corporation, Rohtak to Municipal Corporation Yamuna Nagar.

2. The petitioner is working as Sweeper (Class-IV). He was appointed as Sweeper in July' 1999. By impugned order, he has been transferred from Municipal Corporation, Rohtak to Municipal Corporation, Yamunanagar. As per instructions dated 20.07.2022, a Sweeper cannot be transferred from his original place of posting to any other municipality.



CWP-15208-2025

-2-

3. Learned State counsel submits that as per his instructions, there were complaints against the petitioner. It was *prima facie* found that there is misconduct on his part, thus, he was transferred.

4. On the asking of Court, learned State counsel expressed his inability to point out any rule/regulation or instruction which provides that in case of alleged misconduct an employee may be transferred contrary to particular policy dealing with the transfer.

5. As there is no provision permitting transfer on account of misconduct for which no notice has been served upon the petitioner and there is particular policy providing that no Safai Karamchari would be transferred from original place of appointment to other municipality, the impugned order deserves to be set at naught. The present petition deserves to be allowed and accordingly allowed. Impugned order dated 05.05.2025 (Annexure P-4) is hereby set aside with liberty to respondent to take appropriate action in accordance with law for the alleged misconduct.

(JAGMOHAN BANSAL)
JUDGE

28.05.2025

Mohit Kumar

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