

**CWP-19014-2025 with CWP-19021-2025****-1-**

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

107(2 cases)**Date of Decision: 10.09.2025****CWP-19014-2025****Ajay Kumar and another****...Petitioner(s)****Versus****State of Haryana and others****...Respondent(s)****With****CWP-19021-2025****Amit Singh****...Petitioner(s)****Versus****State of Haryana and others****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Shalender Mohan, Advocate, and
Mr. Govind Mor, Advocate for the petitioner(s)

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The aforesaid petitions are being decided together since common questions of law based on similar facts arise for consideration therein. For brevity, facts are being noticed from CWP-19014-2025, which has been filed *inter alia* seeking a writ of *certiorari* quashing the relieving orders dated 03.07.2025, Annexure P-10, being stigmatic on account of a 'note' having been incorporated declaring the petitioners' service as not satisfactory.



2. On the last date of hearing, learned State counsel made the following statement:

Learned State counsel has received instructions from the Department vide memos dated 27.08.2025, which are retained on the respective case files as Annexure 'A', along with letters appended thereto. On that basis, she contends that the impugned orders, dated 03.07.2025, have now been substituted with fresh order(s) of even date, wherein the special note regarding integrity of the petitioner(s) has been deleted. She also contends that on joining of regularly selected Group-D employees, the petitioners were relieved from duty due to non-availability of any other vacant post in Government College Issarwal, Bhiwani. She, however, seeks an adjournment to get instructions as to whether there is any vacancy in any of the nearby colleges against which the petitioners can be adjusted.

Accordingly, it is not disputed that the grievance has been redressed as the relieving orders have been made simpliciter without any imputation regarding the petitioners' performance and character.

3. The second prayer is to direct the respondents to adjust the petitioners against any vacant post in terms of instructions dated 07.08.2024, Annexure P-16, which are to the effect, if any HKRNL or outsourced employee is removed as a result of joining of newly recruited Common Cadre Group-D employee, Head of Department is permitted to adjust/join such employee on any other vacant suitable post.

4. In this regard, learned State counsel has received instructions from the Department vide memo dated 09.09.2025, which is retained on case file as Annexure 'B'. It refers to instructions, dated 03.08.2022, which are to the effect, *"thus, in view of above, it is informed that any manpower after porting to*



HKRNL becomes the manpower of HKRNL and departments does not have right to transfer the manpower from one DDO to other DDO even within own dept. Thus, the order issued by the Director, Higher Education, Haryana, is not in line with the HKRNL policy and can't be complled (complied) with".

5. Accordingly, once manpower is deputed after being ported to the HKRNL, it becomes the Nigam's manpower and the concerned Department does not have a right to transfer him/her from one organisation/institution to another. Therefore, any order or instruction issued by the Department to the contrary, like the instructions dated 07.08.2024, cannot be acted upon being in violation of the Nigam's policy for deployment of manpower. In view of these facts, it could not be disputed that no direction to transfer the petitioners to any vacant post in or around the College can be issued.

6. Resultantly, the petitions stand disposed of with liberty to the petitioners to raise their claims before Chief Executive Officer, HKRNL, which will be considered sympathetically, in accordance with law.

7. A photocopy of this order be placed on connected file.

(TRIBHUVAN DAHIYA)
JUDGE

10.09.2025

Payal

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No