



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.116

CWP-4505-2025

Date of Decision: 18.02.2025

Bhupesh Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil Kumar Nehra (Sirsa), Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the transfer order dated 21.01.2025, Annexure P-2, whereby the petitioner, who was working as Lecturer in Mechanical Engineering in Government Polytechnic Education Society, Lisana, Rewari, has been transferred to Government Polytechnic Education Society, Uttawar, Palwal, on administrative grounds, and stands relieved vide order of the same date, Annexure P-3.

2. Learned counsel contends that the petitioner was appointed as Lecturer in Mechanical Engineering in Government Polytechnic, Lisana, vide memo dated 10.12.2008, Annexure P-1. It is a non-transferable post and the impugned order, dated 21.01.2025, could not have been passed. He has also relied upon instructions dated 18.07.2019, Annexure P-6, issued by the Government regarding 'Temporary transfer or short-term deputation of the officers/officials' which is to the effect that, transfer is to be effected only to meet the shortfall against any post in any office. If it becomes absolutely necessary for Head of the Department or Administrative Secretary to use the power of temporary transfer or short-term deputation, it shall be exercised only



with prior approval of the Chief Minister. No such procedure has been followed in the petitioner's case and he has been transferred.

3. Learned State counsel, on instructions, contends that the petitioner's service is governed by Government Polytechnic Education Society, Lisana (Rewari) bye laws; Chapter-III, Part-II, Clause 11 whereof prescribes that, '*A member of service shall be liable to serve at any place, whether within or outside the State, on being ordered to do so by the appointing Authority. In addition to this the other conditions with regard to liability to serve will be applicable as laid down by the Chief Secretary, Haryana under Model Service Rules*'. She also referred to the Haryana Technical Education Department (Group B) Service Rules, 2019, which are also applicable to the petitioner's service; Rule 12 (1) whereof prescribes that, '*A member of the Service shall be liable to serve at any place, whether within or outside the State of Haryana, on being ordered to do so by the appointing authority*'.

4. Heard.

5. Learned counsel for the petitioner does not dispute that the petitioner's service is governed by the aforesaid Bye Laws and Service Rules. Accordingly, there is no substance in the arguments that the petitioner is serving on a non-transferable post. Besides, the instructions dated 18.07.2019, relied upon by the petitioner have been issued only for temporary transfer or short-term deputation of officers/officials, which has no application to the instant case since the petitioner has not been transferred on short-term deputation basis.

6. In view thereof, there is no ground to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

18.02.2025

Maninder Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No