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

CWP No.15737 of 2013
Date Of Decision: 21.10.2013

Hoshiar Singh Siwach

..... Petitioner

## **VERSUS**

State of Haryana & others

..... Respondents

## **CORAM:** HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jainainder Saini, Advocate

for the petitioner.

Mr. R.D. Sharma, DAG, Haryana.

Mr. Ashok Ahlawat, Advocate

for respondent No.4.

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## M.M.S. BEDI, J.(ORAL)

Vide the instant writ petition, petitioner has challenged the orders dated 09.07.2013 and 18.07.2013 (Annexures P-1 and P-2 respectively), transferring the petitioner from Bhiwani to Panchkula. The respondents have taken the plea that the petitioner joined as Head Draftsman at Bhiwani on 31.10.2008. He remained absent from duty after 26.12.2012. It is also stated that he is habitual of submitting medical leaves or other leaves and marking the attendance after 2/3 days in the office record. As the work of Drawing Branch (Technical) was suffering, the petitioner was verbally advised many times to be regular and make disposal of pending work. He was requested in a humble way but he did not bother.

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As he was not carrying out any work as such, office memos were issued to

him on 10.05.2012, 09.08.2013 and 09.10.2012. The details of various mis-

conducts have been enumerated in para 5 of the written statement.

Counsel for the respondents has submitted that charge-

sheet is proposed to be issued to the petitioner on the basis of the details of

the mis-conduct. He has also argued that on account of mis-behaviour, the

petitioner has been transferred from Bhiwani to Panchkula.

After going through the reply and hearing counsel for the

parties, it is apparent that the petitioner has been transferred as a penalty

measure from Bhiwani to Panchkula. The said approach appears to be

biased. Instead of initiating departmental proceedings, he has been

transferred from Bhiwani to Panchkula. Such an approach is mala fide. As

such the orders of transfer dated 09.07.2013 and 18.07.2013 are hereby set

aside. The petitioner is directed to join at Bhiwani forthwith with liberty to

the respondents to initiate departmental proceedings or pass any afresh

order. Disposed of.

October 21, 2013

Harish

( M.M.S. BEDI) JUDGE