

(2008) 03 P&H CK 0105
In the Punjab And Haryana At Chandigarh

Anoop Singh

APPELLANT

Vs

Haryana State Agricultural Marketing Board and Another

RESPONDENT

Date of Decision : 24-03-2008

Acts Referred:

Citation : (2008) 2 PLR 561

Hon'ble Judges : Mohinder Pal, J; Hemant Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Mohinder Pal, J.—This judgment will dispose of aforesaid Writ petitions filed by the petitioner.

2. The petitioner is working as an Executive Officer-cum-Secretary in the Haryana State Agricultural Marketing Board (hereinafter referred to as the respondent-Board). It has been pleaded that he was time and again transferred from one station to other within a short span of time. According to him, the transfers are not as per the transfer policy of the Haryana Government which provides that transfer orders have to be kept minimum j?d an employee may be allowed to work at least for three years at one place.

3. In Civil Writ Petition No.984 of 2008 prayer of the petitioner is for issuance of a "writ in the nature of certiorari, thereby quashing the order dated January 17, 2008 (Annexure P-10) whereby he was transferred from Market Committee, Uklana to Market Committee, Naneola with immediate effect.

4. In Civil Writ Petition No. 1360 of 2008, the prayer is for issuance of a writ in the Stature of certiorari, thereby quashing the suspension order dated January 23, 2008 (Annexure P-12).

5. After hearing the learned Counsel for the parties and going through the records of the case, we do not find any merit in these writ petitions. There is no allegation of any malafide exercise of power at the hands of the competent

authority which may vitiate the orders of transfer/temporary deployment of the petitioner, who is holding the very important post of an Executive Officer-cum-Secretary in the respondent-Board and his duties include supervision of Market Committees/Vegetable Markets in the matter of procurement of produce of various crops. In the written statements filed by the respondent-Board in these writ petitions, it has been stated that the petitioner was lacking in his duties wherever he was posted. Various instances of reduction in procurement of produce and reduction in market fee have been given in the written statements. When he was posted at Sirsa, it transpired that the receipt of Market Fee had fallen drastically resulting in revenue loss, which compelled the respondent-Board to deploy the petitioner at Market Committee, Jui, District Bhiwani. While posted at Market Committee, Jui, the petitioner was given the additional charge of Market Committee, Bhiwani, which falls within a distance of 15/20 kilometers from Market Committee, Jui as the regular incumbent i.e. Secretary of Market Committee, Bhiwani, was on leave. It was noticed that the arrival of cotton was reduced at Market Committee, Bhiwani. When he was posted at Market Committee, Uklana, arrival of cotton at the Market Committee had decreased. Hence, he was deployed at Market Committee, Naneola vide order dated January 17, 2008. He did not join at Market Committee, Naneola. It has been pointed out that the respondent-Board has been deploying Executive Officers-cum-Secretaries and Assistant Secretaries from one Market Committee to another looking to the prevalent working conditions and administrative exigencies.

6. These temporary deployments are purely based on administrative needs/exigencies of the respondent-Board to cope with the heavy pressure of procurement work, which is of a seasonal nature. The power of the administrative authority to deploy its employees keeping in view the administrative needs and conduct of the employees who are not taking interest in discharge of duties cannot be questioned.

7. When it was noticed that the petitioner was habitual of not performing his duties with diligence and, in fact, was negligent in handling important assignments, initiation of disciplinary proceedings against him was obvious. "We see neither any infirmity nor error of jurisdiction in passing the order of suspension of the petitioner by the competent authority. The order of suspension of the petitioner seems to have been passed by the competent authority looking to his conduct in not taking interest in discharge of his duties; thereby causing loss to the respondent-Board.

8. In view of the above, we do not find any illegality in the impugned orders which may warrant interference by this Court in exercise of its writ jurisdiction. Hence, the present petitions are dismissed.

Sd/- Hemant Gupta, J.