

(2020) 10 SHI CK 0375
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 7321 Of 2020

Kirpa Ram

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 08-10-2020

Acts Referred:

Citation : (2020) 10 SHI CK 0375

Hon'ble Judges : Tarlok Singh Chauhan, J; Jyotsna Rewal Dua, J

Bench : Division Bench

Advocate : Dalip K. Sharma, Vikas Rathore, Vinod Thakur, Shiv Pal Manhans, Bhupinder Thakur, Seema Sharma, Yudhbir Singh Thakur

Final Decision : Dismissed

Judgement

Tarlok Singh Chauhan, J

1. Aggrieved by the order of cancellation of transfer, the petitioner has filed the instant petition for the grant of following reliefs:

a) That impugned order dated 22.7.2019 i.e. Annexure P-3, may kindly be quashed and set- aside whereby the transfer order dated 11.7.2019 has been cancelled qua the applicant just to adjust respondent No.4.

b) That the respondent may further be directed to allow the applicant to perform his duties at AHC, Halau."

2. The petitioner was working as Ayurvedic Pharmacist and was transferred from Ayurvedic Health Centre (for short 'AHC'), Dharchandna (Shimla) to AHC, Halau, District Shimla vice 4th respondent, Mani Ram vide order dated 11.07.2019 (Annexure A-1).

3. The post of Ayurvedic Pharmacist in AHC, Dharchandna, being a single incumbent, Sh. Mohan Lal, Ayurvedic Pharmacist posted at AHC, Shilla Bawat, District Shimla was directed to relieve the petitioner with a direction to take charge of AHC, Dharchandna. In the meanwhile, the transfer order of 4th

respondent, Mani Ram, who was transferred vice the petitioner, was cancelled by the competent authority vide order dated 22. 07.2019. However, the petitioner without caring for the orders dated 22.07.2019 got himself relieved at his own level from AHC, Dharchandna, that too, without giving any charge to Mohan Lal and joined at AHC, Halau on 23.07.2019. Not only this, the joining of the petitioner at AHC, Halau was not even accepted by the Controlling Officer and rightly so as he had not been relieved by the competent authority at Dharchandna.

4. In such circumstances, we are at a complete loss to understand as to on what basis the petitioner seeks to file and maintain the instant petition. The petitioner is a government servant and the hallmark of service discipline rests on civility, comity of behaviour and adherence to the rules. If a Government servant conducted himself in the manner highly unbecoming of a government servant that shall send a complete wrong message which cannot be encouraged. It shall only embold such a strength of deviant behaviour and it would virtually become impossible to impose discipline.

5. Indiscipline otherwise cannot be tolerated much less upheld by the Court. If at all the petitioner was aggrieved, then instead of getting himself relieved at his own level from AHC, Dharchandna to AHC, Halau, he should have approached the authorities and having failed to do so, the petitioner has no enforceable cause of action.

6. Consequently, we find no merit in this petition and the same is accordingly dismissed, so also the pending application(s), if any.