
(2010) 11 P&H CK 0622
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 18731 of 2010

Omkar Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 09-11-2010

Acts Referred:

Citation : (2010) 11 P&H CK 0622

Hon'ble Judges : Ranjit Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ranjit Singh, J.—The Petitioner was appointed as a sweeper and joined in GVS Kulieri. Subsequently, his appointment was regularized on 7.7.2005. As per the Petitioner, he is 75% handicapped and has placed on record evidence in this regard. He pleads that on 20.7.2010, he was present in the office on duty at Semen Bank, JCB Station, Jagadhari. Deputy Director, Animal Husbandry-Respondent No. 3 came there and asked the Petitioner to go to supply semen and so to climb on the semen's vehicle. The Petitioner requested Respondent No. 3 that he would not be able to climb on the vehicle as he is 75% handicapped. Hearing this, Respondent No. 3 is stated to have become angry and abused the Petitioner by name of his caste. The Petitioner approached the Police, but nothing was done. As per the Petitioner, he had submitted an application in this regard to the Minister concerned by giving background of this incident.

2. The Petitioner has filed this writ petition to impugn his order of transfer, which according to him is also in violation of the policy framed by the Government on 6.10.2004. As per the Petitioner, he was transferred with mala fide intention only because he had submitted a complaint against Respondent No. 3 as referred to above. Grievance further is that this transfer is also against the policy instructions Annexure P-5. He has been transferred from Jagadhari to Mandelwal, which is at the distance of about 34 kilometers.

3. Taking into consideration the allegations made by the Petitioner that his transfer was ordered on account of the complaint made by him against Respondent No. 3, notice of motion was issued. If it had been the fact, it was a serious issue and required to be dealt with.

4. Reply on behalf of the Respondents is filed. Respondent No. 3 has come present in person and considering the nature of the allegations made, he was directed to file a personal affidavit in regard to the allegations so made against him. In response, reply is filed by the State. Detailed mention to the background of the behaviour of the Petitioner is made. It is stated that the Petitioner is a notorious type of a person. In the year 2009, he was working as class IV employee at Government Veterinary Hospital, Dhansu, District Hisar, when on 25.4.2009, he allegedly went to the house of Dr. Ishwar Singh Jale at 11 o'clock at night with axe and abused him in filthy language and created a ruckus. For this misconduct, the Petitioner was chargesheeted on 20.5.2009. Copy of the said charge-sheet has been enclosed with the reply. After holding inquiry, he was punished with stoppage of two annual increments with cumulative effect on 27.5.2010. Thereafter, he was transferred to Government Veterinary Dispensary, Kanjanu, District Yamuna Nagar on 27.7.2009. Subsequently, he was temporarily adjusted as per his mutual consent in the office of Sub Divisional Officer, Animal Husbandry and Dairying, Jagadhri. His work and conduct in the said office was also not found good. His behaviour with the staff was also bad. He was then temporarily adjusted at Semen Bank, Jagadhri, where again he did not show any improvement in his behaviour.

5. On 20.7.2010, Respondent No. 3 had asked him to go with the semen supply vehicle at various institutions for supply of semen, but he bluntly refused. The Petitioner, thereafter, alleged to have made a false and frivolous complaint against Respondent No. 3. To point out the falsity of the allegations, it is stated that Respondent No. 3 had written a D.O. letter to Respondent No. 2 for transferring the Petitioner because of his work and conduct for which he filed this complaint.

6. Mr. Nehra would urge that complaint to the police was made only on account of the fact that Respondent No. 3 had recommended his transfer.

7. The personal affidavit by Respondent No. 3 has been filed. I have perused the same. The Deputy Director has denied the allegations made for using the abusive language against the Petitioner. At the time of arguments also counsel for the Petitioner concentrated more on violation of the policy instructions rather than sticking to his stand that the transfer was on account of the complaint made by him. Considering the overall conduct of the Petitioner and the fact that he has filed the complaint with the police only when the action was taken to recommend his transfer, the allegations against Respondent No. 3 appears to be a made up story. In any case, the transfer of the Petitioner has been recommended by Respondent No. 3 as he had refused to obey the direction issued by him. The Petitioner did not chose to file any rejoinder. Reply is filed on behalf of the State.

The stand taken in the reply, thus, is not facing any contradiction.

8. In my considered opinion, the Petitioner has misused the process of this Court in impugning his transfer by making pleas, which are not found true or truthful in nature. There is no cause for interference is made out in the writ petition. The writ petition is, therefore, dismissed with costs of Rs. 5000/-.