

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 1195 of 2015 (O&M)
Date of Decision: 23.01.2015.

Manjit Singh

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Mehndiratta, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving as a J.B.T Teacher in a Govt. Primary School situated in District Mewat, is aggrieved of the action of the respondent authorities, whereby a claim for mutual transfer vice respondent no.5 i.e. Smt. Birmati, has been rejected by the Director, Elementary Education, Haryana.

Learned counsel appearing for the petitioner would submit that the State of Haryana had framed a policy dated 8.8.2011 governing inter district transfer of district cadre teachers. On the strength of such policy the petitioner had submitted an application for mutual transfer to a Govt. Primary School in District Bhiwani vice Smt. Birmati, who in turn was ready to accept transfer to the school in district Mewat, where the petitioner was serving. In spite of such application seeking mutual transfer having been recommended by the District Elementary Education Officer but the request somehow has not found favour with the Director. Apparently, the rejection of the claim of the petitioner is on the basis that Smt. Birmati is on the verge of superannuation.

The precise argument raised by the counsel is that under the policy framed by the State Govt. dated 8.8.2011 on the subject of inter district transfer of district cadre teachers there is no such embargo as regards issuing an order of transfer on the verge of retirement of an employee. It has been contended that a similar issue was raised before this Court and was dealt with vide judgement dated 9.7.2014 rendered in CWP No.6055 of 2014 and a view was taken which would advance the cause of the present petitioner.

Counsel further submits that even a legal notice has been served upon respondent no.2 and which has not been dealt with till date. Counsel also adverts to an order dated 21.1.2015 passed by a Coordinate Bench of this Court in CWP No.944 of 2015, wherein under identical circumstances directions were issued for taking a decision on the legal notice served by the petitioner therein.

In the light of the submissions made by the counsel, I deem it appropriate to dispose of the present writ petition with a direction to respondent no.2 to consider the grievance and claim of the petitioner in the light of the legal notice dated 22.12.2014 (Annexure P-4) and by passing a speaking order and keeping in mind the judgement dated 9.7.2014, passed by this Court at Annexure P-6 as also in the light of the policy dated 8.8.2011 framed by the State Govt. itself. It is made clear that while considering the claim of the petitioner in the light of the directions contained in the present order the Director, Elementary Education, Haryana would not be solely influenced by the order of rejection passed on the request of the petitioner earlier in point of time.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 23, 2015.
lucky