

**Sr. No. 103
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.16671 of 2016 (O&M)
Date of Decision: 09.09.2016**

Kanwar Pal

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Anurag Goyal, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

The petitioner is serving as a JBT Teacher under the Department of School Education, State of Haryana. He is currently serving in a school under Kurukshetra District.

Claim in the instant petition is for being transferred out of the district.

Counsel submits that the petitioner had submitted options for being transferred out to either Bhiwani or Mahendergarh or Gurgaon District. Contended that such option seeking transfer out of Kurukshetra District is on the strength of a policy framed by the State Government dated 06.08.2015 on the subject of inter district transfers.

Reliance has been placed upon Clause 3 (iv) to contend that the petitioner is suffering from a chronic disease and needs special care of his family members. Even mother of the petitioner is stated to be suffering from a chronic disease and for which consideration is to be afforded as per inter district transfer policy. Counsel has also adverted to the certificates

appended along with the petition at Annexures P-2 and P-3 to substantiate his assertions that not only the petitioner but also his mother is suffering from chronic disease.

Having heard counsel for the petitioner at length, this Court is of the considered view that rights and claims emanating from a transfer policy required to be agitated before the employer/competent authority in the first instance. A writ of mandamus would not be issued for the asking and only on the strength of a particular term and condition contained in a transfer policy. The petition in law is well settled that transfer policies do not vest an enforceable right in an employee.

Accordingly, I deem it appropriate to dispose of the instant writ petition by granting liberty to the petitioner to approach respondent No.2 as regards his claim seeking transfer out of Kurukshetra District. In the eventuality of any such claim/representation being preferred, respondent No.2 would be obligated to consider the same strictly in accordance with law and against the backdrop of any transfer policy that may have been framed by the State Government on the subject of inter district transfers.

Petition is disposed of.

09.09.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No