

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17743 of 2016
Date of decision:30.8.2016

Pawan Singh

... Petitioner

Versus

State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anish Batra, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner has filed the instant petition assailing the action of the respondent-Department in cancelling his transfer from Government Senior Secondary School Chandwas (364), Block Badhra, Distt. Bhiwani.

The primary submission advanced by learned counsel is that the transfer of the petitioner has been cancelled in contravention of the Transfer Policy of Teachers issued by the State Government vide memo dated 29.06.2016 at Annex. P-1.

The petitioner's complaint is that he has been transferred from Government Senior Secondary School School, Bardu Chaina(539), Block Loharu, Distt. Bhiwani to Government Senior Secondary School Chandwas (364), Block Badhra, Distt. Bhiwani vide order dated August 6, 2016, which is at 45 K.M. from his house and after receiving the transfer order, he has joined there on August 9, 2016. But vide order dated August 10, 2016 his transfer has been cancelled.

Having heard counsel for the petitioner at some length, this Court is of the considered view that no interference in the matter is called

for.

Transfer is an incidence of service. Terms and conditions contained in a transfer policy do not vest an enforceable right though they are to be adhered to in broad spectrum and fair-play but admitting of some free play in the joints which is necessary to reconcile and accommodate competing interests of thousands of teachers who may be placed in similar circumstances. The Court cannot and ought not to individualize justice. These are matters which need to be agitated before the employer/Competent Authority for exercise of their discretion since the blue print of transfers is in their hands to analyze, that who should be placed where. No bias and malafides have been alleged in the petition.

As such, while declining to interfere in the matter, liberty is granted to the petitioner to approach the Competent/State Authority as regards his grievance against the impugned order of transfer.

The Director General School Education will look into this grievance within two or three days from the date of receipt of the order and take a fair and just decision on the representation on this special feature which constitutes the ground of challenge.

Disposed of.

(RAJIV NARAIN RAINA)
JUDGE

30.08.2016
monika

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*