

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 18555 of 2016 (O&M)

Date of Decision: 14.09.2016.

Ravi Kumar

--Petitioner

Versus

State of Haryana and others

--Respondents

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

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

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving as a Lecturer (Chemistry) under the Department of School Education, State of Haryana is aggrieved of an order of transfer dated 6.8.2016 (Annexure P-3), whereby he has been transferred from Govt. Senior Secondary School, Dhigana, Block Julana, District Jind to Govt. Senior Secondary School, Karkhana, Block Safidon, District Jind.

Counsel would argue that as per Transfer Policy dated 29.6.2016 (Annexure P-1) the petitioner was entitled to furnish options at the stage of transfer and he had submitted as many as 32 options and out of which none has been entertained. Counsel further submits that under the policy the petitioner is vested with a right to be transferred back to his original place of posting i.e. Govt. Senior Secondary School, Dhigana, Block Julana, District Jind.

Counsel for the petitioner has been heard at length.

The entire case of the petitioner is based on the strength of certain terms and conditions contained in the Transfer Policy. Transfer, otherwise, is an incidence of service. Terms and conditions of a Transfer

Policy do not vest an enforceable right. Be that as it may, while issuing orders of transfer the respondent authorities/competent authority must certainly keep in mind the Transfer Policy that has been framed by the State Govt. itself and which would otherwise serve as a guideline.

In the considered view of this Court, these are matters which need to be agitated before the employer/respondent department in the first instance. Accordingly, while declining to interfere in the impugned order dated 6.8.2016 at Annexure P-3, petitioner is granted liberty to approach respondent no.3 as regards his grievance on the issue of transfer. In the eventuality of any such representation being preferred, respondent no.3 would be obligated to consider the same and thereafter to take a final decision thereupon as he may deem fit and as warranted strictly in accordance with law.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.09.2016

lucky

Whether speaking/reasoned: Yes

Whether Reportable: No