

**Sr. No. 112
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.19458 of 2016 (O&M)

Date of Decision: 20.09.2016

Ram Giri

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. P.S.Bajwa, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who is serving as a Lecturer (English) under the Haryana State Education Department has filed the instant petition impugning an order dated 09.09.2016 (Annexure P-30) in terms of which by way of an interim adjustment, she has been transferred to Government Senior Secondary School, Thandog, Panchkula.

Learned counsel appearing for the petitioner would submit that vide order dated 12.08.2013, petitioner was transferred to the Text Book Cell, Office of the Directorate Secondary Education, Haryana, Panchkula as the subject specialist (English).

Precise argument raised is that towards implementation of the transfer policy formulated by the State Government itself dated 29.06.2016, the petitioner was vested with the right to update her personal profile as also service profile on a M.I.S. Portal but such opportunity has been denied to her and in spite thereof the impugned order has been passed.

This Court is of the considered view that terms and conditions

contained in a transfer policy do not vest an enforceable right in an employee.

Be that as it may, it would certainly be obligatory upon the respondent Department/competent authority to keep in mind the transfer policy framed by the State while issuing orders of transfer and taking any decision in relation thereto.

Notice of motion.

On the asking of the Court, Mr. Hitesh Pandit, learned Additional Advocate General, Haryana accepts notice on behalf of the State of Haryana. A complete copy of the writ petition has been furnished to learned State counsel.

In view of the order that I propose to pass there would be no requirement of seeking a response to the writ petition from the respondent Department.

In the light of the factual aspect noticed hereinabove and against the backdrop of the submissions advanced by counsel appearing for the petitioner, the present writ petition is disposed of in terms of granting liberty to the petitioner to approach respondent Department i.e. the Additional Chief Secretary, School Education, Haryana, Panchkula directly as regards her claim and grievance pertaining to transfer.

In the eventuality of any representation being preferred by the petitioner in such regard, respondent No.1 would be obligated to consider the same in accordance with law and against the backdrop of the relevant transfer policy formulated by the State Government and to take a final view thereupon within a period of 07 days from the date of submission of the representation.

Status quo as regards place of posting of the petitioner as it exists today shall be maintained for a period of 10 days.

A copy of this order be furnished to counsel for the petitioner under the signatures of the Bench Secretary.

Disposed of.

20.09.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No