

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.19687 of 2016 (O&M)

Date of Decision: 21.09.2016

Rakesh Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Jasbir Mor, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who is serving as a JBT Teacher assails the order dated 17.09.2016 at Annexure P-3 whereby he has been transferred from Government Primary School, Shamlo Khurd, Block Julana, District Jind to Government Primary School, Khatla, Block Safidon, District Jind.

The sole contention raised by learned counsel is that such order of transfer is contrary to the Transfer Policy framed by the State Government itself dated 29.06.2016 at Annexure P-1. Particular reference is made to Clause 6 (i) which defines the criteria for deciding the claim against vacancy. The same reads as under:-

6. "CRITERIA FOR DECIDING THE CLAIM AGAINST VACANCY

i) Decision of allotment to a vacancy shall be based on the total composite score of points earned by a teacher, out of 78 points as described below. The teacher earning highest points shall be entitled to be transferred against a particular vacancy."

Counsel would argue that the relevant details were uploaded on the M.I.S. Portal and based on the same, the petitioner had been assigned 38.77 points by the respondent Department. Precise grievance is that the

options submitted by the petitioner as regards place of posting have not been considered while other teachers who had earned lower points have been adjusted. In this regard, a tabulation has been furnished in para 11 of the writ petition.

Having heard counsel for the petitioner at length, this Court is of the considered view that the grievance of an employee as regards transfer and based upon terms and conditions contained in a Transfer Policy are required to be agitated before the employer/competent authority in the first instance.

Accordingly, the instant petition is disposed of in terms of granting liberty to the petitioner to approach the Director Elementary Education, Haryana-respondent No.2 directly as regards his grievance against the impugned transfer. In the eventuality of any such representation being filed, respondent No.2 would be obligated to consider the same and to take a final decision thereupon within a period of 07 days from the date of submission.

As an interim measure, it is directed that 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 given to learned counsel for the petitioner under signatures of the Bench Secretary.

Disposed of.

21.09.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No