

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CWP No.19708 of 2016 (O&M)

Date of decision : 22.09.2016

Ajit Singh

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. S.K. Malik, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner who is serving as a JBT Teacher under the Haryana School Education Department has filed the instant writ petition impugning the order dated 17.09.2016 at Annexure P-2 qua himself and in terms of which he has been transferred from Government Primary School, Jamni, Pillu Khera, Jind to Government Primary School, Garhi, Narwana, Jind.

Counsel would submit that even though the transfer is within the district, yet it is in violation of the Transfer Policy framed by the State Government inasmuch as the MIS Portal and in which the petitioner was to update his profile so as to submit options for transfer could not be accessed and as such, petitioner has been denied a right to chose a place of posting. It is further submitted that the petitioner is physically handicapped and suffers from a disability element assessed at 80%.

During the course of hearing, however, counsel has conceded that the petitioner has been transferred out from the place of posting after having served at such place for a period of ten years.

In the considered view of this Court, the terms and conditions contained in a Transfer Policy do not vest an enforceable right. In such

matters, it would be appropriate for the employee concerned to agitate the issue before the employer/concerned department in the first instance.

The petitioner is physically challenged. The petitioner is already stated to have filed numerous representations to the respondent/authorities but the same have not evoked any response. Suffice it to observe that the respondent-authorities/Competent Authority would certainly be obligated to keep in mind the Transfer Policy formulated by the State Government itself while issuing orders of transfer.

As such, while declining to interfere in the matter, the instant writ petition is disposed of in terms of granting liberty to the petitioner to approach the Director, Elementary Education, Haryana/respondent No.4 directly as regards his grievance against the impugned transfer. In the eventuality of any such representation being preferred, respondent No.4 would be obligated to consider the same and to take a final view thereupon in accordance with law and against the backdrop of the Transfer Policy formulated by the State Government.

Disposed of.

22.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | |
|-------------------------------|-----|
| i) Whether speaking/reasoned? | Yes |
| ii) Whether reportable? | No |