

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

CWP No.19856 of 2016 (O&M)

Date of decision:23.09.2016

Vijay Kumar

... Petitioner

Vs.

State of Haryana & others

... Respondents

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

Present: Mr. Ravinder Kumar, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner, who is serving as a JBT Teacher assails the order dated 17.09.2016 at Annexure P-3, whereby has been transferred from Government Primary School, Patherwa, Block Mahendergarh, District Mahendergarh to Government Primary School, D/Cheema, Block Nangal Choudhary, District Mahendergarh.

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 MIS Portal and based on the same, the petitioner has been assigned 36.53 points by the respondent/department.

Precise grievance raised is that the options submitted by the petitioner as regards place on posting have not been considered while his counter-part, namely, Naresh Kumar, JBT Teacher, who had secured lower points i.e. 33.63 has been adjusted in a school in the same block.

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 directly as regards his grievance against the impugned transfer. In the eventuality of any such representation being filed, the Director Elementary Education, Haryana 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.

23.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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