

**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-20195-2016

Date of decision : 27.09.2016

Sunil Kumar

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Ashok Bhardwaj, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner, who is serving as a JBT teacher under the Haryana School Education Department, has filed the instant petition assailing the order dated 17.09.2016 (Annexure P-3) passed by the Director, Elementary Education, Haryana and whereby he has been transferred from Government Primary School, Guniana, Block Nissing at Chirao, District Karnal to Government Primary School, Chochra, Block Assandh, District Karnal.

The sole submission raised by counsel is that the impugned transfer is violative of the Transfer Policy formulated by the State Government itself. It is his contention that under the policy the options were sought and the petitioner had submitted his options. One of the option was to be retained at his existing place of posting in the eventuality of no other teacher opting for that place and the respondent-authorities without any justifiable basis have denied such option to him.

It is by now well settled that terms and conditions contained in a Transfer Policy do not vest an enforceable right in an employee. Transfer otherwise is an incidence of service. Be that as it may, the respondent-authorities/competent authority are obligated to keep in mind the Transfer Policy while issuing orders of transfer and the same would be in the nature of guidelines.

These are matters which require to be agitated before the employer/ concerned department in the first instance.

At this stage counsel prays for withdrawal of the petition to pursue the matter with the respondent-authorities/appropriate authority in the light of the representation dated 21.09.2016(Annexure P-4) that is stated to have already been filed.

Prayer is allowed. The writ petition is disposed of as withdrawn with directions that respondent No.2 would consider the claim and grievance of the petitioner in the light of representation dated 21.09.2016 (Annexure P-4) and to thereafter take a final view on the same as he may deem fit and as warranted in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 27, 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No