

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 20508 of 2016 (O&M)

Date of Decision: 30.09.2016.

Bhup Singh

--Petitioner

Versus

State of Haryana and another

--Respondents

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

Present:- Mr. M.S. Kathuria, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner is holding the post of P.G.T./Lecturer (English) under the Haryana School Education Department. The instant petition is directed against an order of transfer and whereby the petitioner stands transferred from Govt. Senior Secondary School, Badhra, Bhiwani to Govt. Senior Secondary School, Singhan, Block Loharu, District Bhiwani.

Counsel for the petitioner contends that such transfer is in complete violation of the Teachers' Transfer Policy, 2016 formulated by the State Govt. It is submitted that under the policy in case no other teacher opts for the school in which an employee is already serving, then, it was open for such employee to be retained at the existing place of posting. Further contended that under the policy and on the basis of options invited certain points were to be assigned out of a total of 78. Plea of discrimination has been raised that counterparts of the petitioner and who have been assigned lower marks than him have been accommodated, whereas the petitioner is sought to be displaced.

Counsel for the petitioner has been heard at length.

Terms and conditions contained in a Transfer Policy do not vest

an enforceable right. A reference in this regard may be made to the decision of the Hon'ble Supreme Court in *Union of India and others Vs. S.L. Abbas, (1993) 4 S.C.C, 357*. During the course of hearing and on a specific query having been put, it has been conceded that the petitioner has already completed a tenure of more than five years in the school from where he has been posted out.

Under such circumstances, in the considered view of this Court any claim of an employee arising out of a Transfer Policy requires to be agitated before the employer/concerned department in the first instance.

The present petition is, accordingly, disposed of in terms of granting liberty to the petitioner to file a representation as regards his grievance against the transfer. In the eventuality of any such representation being preferred, respondent no.1 would be obligated to consider the same and to thereafter take a final view thereupon as he may deem fit and as warranted in accordance with law.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.09.2016

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Whether speaking/reasoned: Yes

Whether Reportable: No