

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20910 of 2016

Date of Decision: 19.10.2016

Vikas Verma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Anil Kumar Sharma, Advocate for the petitioner

Mr.Hitesh Pandit, Addl.A.G., Haryana

RAJIV NARAIN RAINA, J. (Oral)

1. This Court records its appreciation for the help extended by the Deputy Commissioner, Karnal to the Court beyond his call of duty to resolve this transfer matter by deputing a team of senior officers of the District Administration including the Civil Surgeon, Karnal to assess the comparative hardship faced by the petitioner if he were to teach in the Government Primary School, Gudha or in the Government Primary School, Matak Majri. The report submitted to this Court alongwith the affidavit of Mr. Ashwani Malik, HCS, Sub Divisional Officer (Civil), Indri, District Karnal today, reads thus:-

“With reference to order of Deputy Commissioner, Karnal dated 17.10.2016, the team of undersigned, today visited the house of the petitioner Mr.Vikas Verma, Govt. Primary School, Gudha and the Govt. Primary School Matak Majri. As per Medical Certificate and observation of Civil Surgeon, Karnal, the petitioner is 100% disabled.

Govt. Primary School Gudha is approximately 700 meters from the house of the petitioner and Govt. Primary School Matak Majri is approximately 2 KM from the house of

petitioner. There is no running traffic between the house of petitioner and Govt. Primary School Gudha, while there is running Traffic of both light and heavy vehicles between the house of petitioner and Govt. Primary School Matak Majri. It is clear from visit and interaction with the petitioner with element of hardship is more at new place of posting in comparison to previous place of posting.

sd/-D.E.E.O, Karnal sd/- Civil Surgeon, Karnal sd/- SDO
(C), Indri
18.10.16”

2. The affidavit together with the compliance report is taken on record. The report is in favour of the petitioner who is a differently abled teacher living with one hundred percent certified disability. The comparative hardship faced by the petitioner while teaching in either of the two schools without doubt lean heavily against a posting to the Govt. Primary School at Matak Majri which is situated at a distance of 2 KMs from the house of the petitioner and it is reported that within this short distance there is running traffic of both light and heavy vehicles falling between the house of the petitioner and the school at Matak Majri. For the petitioner 2 Km would be cosmic distance fraught with danger which can be prevented by court interference. When the hardship factor is heavily against the impugned order posting the petitioner to the School at Matak Majri as assessed at the ground level by the Officers, the report dated 18.10.2016 is accepted as the operating reason to sort out the *lis*. This Court thanks the officers of the team for taking out their valuable time for a fellowman in its quest for justice and for being the extension of the eyes of the Court to take stalk of the trecherous conditions prevailing on the spot for an person circumstanced as the petitioner. This Court records its appreciation on the special efforts made by the authorities in Karnal in helping this court reach a fair and just decision.

3. In view of the position explained in the report, this writ petition is allowed. The impugned order of transfer dated 17th September, 2016 (Annex. P-4) qua the petitioner is quashed. The respondent department will take steps immediately to restore the place of posting of the petitioner at Government Primary School, Gudha, District Karnal.

(RAJIV NARAIN RAINA)
JUDGE

19.10.2016
MFK

Whether speaking/reasoned	Yes
Whether Reportable	Yes