

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

CWP No.21053 of 2016 (O&M)

Date of decision : 06.10.2016

Sanjit Kumari

... Petitioner

Vs.

State of Haryana & others

... Respondents

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

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

...

TEJINDER SINGH DHINDSA, J.

Petitioner is serving as Instructor under the Haryana State Industrial Training Department.

As per pleadings on record, vide order dated 22.09.2016, petitioner was transferred from Karnal to Jind.

Instant petition is directed against the order dated 22.09.2016 at Annexure P-1 whereby he has been re-allocated and now transferred from Jind to Julana.

Counsel would argue that the order of transfer is in violation of the Transfer Policy framed by the State Government. It is contended that under the Transfer Policy, a normal tenure of posting has been stipulated as two years and it is only under compelling administrative exigencies that the petitioner could have been transferred out and which in the present case there are none.

Counsel for the petitioner has been heard at length.

It is by now well settled that 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 Apex Court in ***Union of India***

Versus S.L. Abbas, (1993) 4 SCC 357. Be that as it may, it is certainly obligatory upon the respondent-authorities/department to keep in mind the Transfer Policy formulated by the State while issuing orders of transfer. In the considered view of this Court, such matters are required to be agitated before the employer/Department in the first instance.

Under such circumstances, the instant writ petition is disposed of in terms of granting liberty to the petitioner to file a representation before the Competent Authority/respondent No.2. In the eventuality of any such representation being filed, respondent No.2 would be obligated to consider the same and thereafter, to take steps as he may deem fit and as warranted in accordance with law.

Petition stands disposed of.

As an interim measure, status quo as regards place of posting of the petitioner as it exists today shall be maintained for a period of 10 days.

06.10.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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