

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 4687 of 2016

Date of Decision : April 28, 2016

Yogender Dahiya and others Petitioners

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Abhinav Sood, Advocate
for Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioners seek the issuance of directions to the respondents to consider their case for inter-district transfer, as per policy of the Government of Haryana dated 06.08.2015.

The relevant facts, which have emerged after hearing counsel for the parties and perusal of the record are that the petitioners are serving as JBTs/C&V and PTI teachers in the State of Haryana, which are district cadre posts. The Government of Haryana issued a policy dated 06.08.2015 seeking applications from district cadre teachers for inter-district transfers.

The eligibility and the order of preference, for consideration of applications

in terms of the policy were clearly spelled out therein. It is the admitted position that the last date to apply for seeking inter-district transfer, as per the above referred policy, was 15.09.2015.

The record further reveals that all the petitioners made applications for consideration of their case for inter-district transfers between 20.08.2015 to 27.08.2015. However, when their cases were not considered by the competent Authority, it gave them a cause to approach this Court through the present petition for the reliefs mentioned above.

In response to the averments made in the petition, the respondents have filed a counter, in which it has been not denied that the petitioners had applied in time for consideration of their cases under the policy dated 06.08.2015 seeking inter-district transfers. However, it is submitted that on inquiry made by the respondents, it had been revealed that their files were not forwarded by one Amit Kumar, Clerk in the office of the Block Education Officer, Bilaspur, and therefore, their cases were not considered. Disciplinary action has been ordered against the afore-referred erring official.

Once it is admitted that the petitioners were eligible for being considered under the inter-district transfer policy dated 06.08.2015 and had made their applications well within time, their cases should have been considered in terms of the policy. Merely because one of the officials of the respondents had not forwarded their cases, cannot deny them their right of consideration as no fault can be attributed to them for the same.

In view of the above, the respondents are directed to consider

the cases of the petitioners strictly as per the terms of the policy dated 06.08.2015.

The needful be done within two months from the date of receipt of a certified copy of this order.

The writ petition stands allowed in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

April 28, 2016
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