

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

CWP No.16384 of 2015

Date of Decision: July 05, 2017

Ashok Kumar

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. P.K. Goklaney, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

Mr. Arjun Shukla, Advocate
for respondent No.4.

TEJINDER SINGH DHINDSA, J. (Oral)

The petitioner, who is serving on the post of Math Master under the Punjab State Education Department, filed the instant petition impugning order dated 29.07.2015 (Annexure P-4), in terms of which, the transfer of the petitioner from Government Senior Secondary School, Chimnewala, District Fazilka to Government Senior Secondary School, Lalowali, District Fazilka, was cancelled.

In the response filed to the petition by the Under Secretary of Punjab Department of School Education, the circumstances leading to the passing of the impugned order have been detailed. In the reply, it has been averred that one Rajnish

Kumar, Math Master, had filed **CWP No.14703 of 2015**, raising a prayer for transfer/posting on the ground that he was physically handicapped person and on the strength of a particular stipulation affording special treatment for handicapped employees under the Transfer Policy dated 08.06.2015. The request of Sh. Rajnish Kumar was entertained and vide order dated 29.07.2015 and by virtue of amending an earlier transfer order dated 30.06.2015, transfer orders of Rajnish Kumar were issued and as a consequence thereof, certain employees in matters of transfer were effected and which also led to the passing of the impugned order in the instant petition.

On the last date of hearing i.e. 11.05.2017, counsel appearing for the petitioner has raised a submission that a post had now become available at Government Senior Secondary School, Lalowali, District Fazilka, upon promotion of a teacher. Accordingly, State counsel had sought time to complete instructions as to whether the petitioner could be adjusted/transferred against such vacant post.

During the course of resumed hearing today, an affidavit of the Assistant Director, Office of Director, Public Instructions(Secondary Education), Punjab, has been filed and the same is taken on record. A complete copy of the same has been furnished to counsel for the petitioner.

In the additional affidavit, a categorical stand has been

taken that instructions regarding general transfers in the Department of Education for the year 2017-18, have already been issued. It has also been averred that the petitioner has submitted an application for adjustment/transfer at Government Senior Secondary School, Lalowali, District Fazilka and such request would be considered in due course as per guidelines of transfer policy-2017-18

In the light of such fare stand taken on behalf of the State, counsel appearing for the petitioner does not press the instant petition.

Writ petition is disposed of accordingly.

(TEJINDER SINGH DHINDSA)
JUDGE

05.07.2017

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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**