

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1192 of 2017Date of decision: 28.11.2017

Ravinder Kumar and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Shranav Katyal, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

Counsel for the petitioners submits that the matter is covered in view of the decision rendered in ***CWP No. 17240 of 2016, Anand Kumar Versus State of Haryana and others***, decided on 10.11.2017 by this Court. The following directions were issued in the said case:-

“Resultantly, this Court is of the opinion that the instructions dated 31.03.2010 are not sustainable and are liable to be quashed. Similarly, clause 8 in the transfer order which had been incorporated, on which reliance has also been placed by the State in the transfer orders dated 01.04.2016 that posts on which the GFTs are working are not to be treated as vacancies, is without any justification.

Resultantly, the writ petitions are allowed with directions to the respondents to consider the case of the petitioners afresh for the benefit of their inter district transfer without being fettered by the vacancy position which is consumed by the GFTs. Preference has to be given to the regular appointees who are wrongly being denied their

consideration regarding the inter district transfer on account of the policy dated 06.08.2015 only on account of the fact that the GFTs continue to occupy the posts. Resultantly, the State shall take positive action on the request of the petitioners without keeping into consideration the instructions dated 31.03.2010 or inserting condition clause 8 which has been incorporated in the transfer orders. The necessary exercise accordingly be completed within a period of 3 months from the date of receipt of the certified copy of the order.”

Accordingly, the writ petition is also disposed of in the same terms.

(G.S. SANDHAWALIA)
JUDGE

28.11.2017
Divyanshi

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No