

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

**CWP No.21050 of 2016 (O&M)
Date of decision : 15.05.2017**

Rajesh Kumar

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. Sajjan Singh Malik, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

AJAY TEWARI, J.(ORAL)

On 06.10.2016, the following order was passed :-

“Petitioner who is a JBT Teacher under the Haryana Education Department made a request for being transferred out of Sonapat district on the ground of his health ailment. Pleadings on record would indicate that such request was acceded to and he was transferred to a school in Jhajjar district on which he joined on 22.09.2016.

The instant petition has been filed raising a grievance that after a period of only one week, the order of transfer has been cancelled.

Counsel would submit that even his efforts to join back at his original place of posting at Sonapat have failed inasmuch as that post already stands occupied. Further argument raised is that assuming the initial transfer out of district had been on the basis of a medical certificate not issued by the Competent Authority, yet it was imperative for the respondent/authorities to have given a chance and opportunity of hearing prior to directing cancellation of the order of

transfer which otherwise entails adverse consequences.

Notice of motion, returnable for 27.10.2016.

On the asking of the Court, Mr. Rajesh Gaur, learned Additional Advocate General, Haryana accepts notice.

A complete copy of the petition has been furnished to the learned State counsel in Court itself and who would complete instructions in the matter by the adjourned date.

Thereafter on 21.03.2017, the following order was passed :-

“The petitioner had sought inter-district transfer on the ground of ill health and had supported his application with a certificate from the Civil Surgeon, Jhajjar (Haryana). The respondents accepted his request and transferred him from Sonipat to Jhajjar. However later on his transfer was cancelled on the ground that the certificate was not from the competent authority i.e. PGIMS, Rohtak.

Learned counsel for the petitioner has argued that actually there is a slight confusion in the policy because it mentions PGIMS, Rohtak, (Govt. of Haryana) and as and when the petitioner goes to the PGIMS, Rohtak he is advised that the Civil Surgeon concerned can also issue the certificate.

Learned State counsel has fairly stated that in case this Court directs the PGIMS, Rohtak to conduct the examination of the petitioner and it is reported that the petitioner is covered by the policy, the respondents will reconsider the matter.

In the circumstances, the petitioner is directed to appear before the Registrar of the PGIMS, Rohtak and the Registrar is requested to ensure that a competent Medical Board examine the petitioner and gives its report before the next date of hearing.

Adjourned to 04.05.2017.”

Pursuant to the last order the petitioner was examined by the Medical Board constituted by the Director, PGIMS, Rohtak. Learned counsel for the petitioner has handed over the original report of the Board to the Senior DAG who has further handed over the same to Shri Rambir Singh, concerned Dealing Assistant. Shri Rambir Singh has issued a receipt on the photocopy and handed over it to the learned counsel for the petitioner.

Learned Senior DAG states that now the claim of the petitioner will be reconsidered after accepting that his certificate has been issued by the competent authority and prays for two months' time.

In case the petitioner is entitled to the relief claimed the same be also granted to him within that period.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

15.05.2017
pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No