

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP-17797-2017(O&M)

Date of decision : 08.09.2017

Sonia

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Ram Niwas Sharma, Advocate
for the petitioner.

Mr.R.K.Doon, AAG, Haryana.

AMOL RATTAN SINGH, J.(ORAL)

A reply has been filed in Court today by learned counsel for the State, a copy of which has been given to learned counsel for the petitioner.

It is not denied by the respondents, even as per the contention raised by learned counsel for the State, that the petitioner was actually posted to the Government Girls High School, Deeghot (Palwal), on 06.08.2016. However, it is contended by the respondents that having remained posted at that place for less than one year, and definitely less than 5 years as per the policy, she was not obliged to exercise any choice of transfer on the computer information system, but she having exercised her option for transfer, as she could not be posted to the district of her choice at Mahendragarh, she having obtained lesser marks as per the grading system, than all others who wished to get transferred to that district, she has therefore been posted to Yamuna Nagar.

inasmuch as the petitioner wanted to get transferred to Mahendragarh and therefore exercised her option on the computer accordingly. That did not imply that she wished to get transferred to any other place, other than district Mahendragarh.

Hence, if she was necessarily to be transferred out from district Palwal on account of any long stay in terms of the policy, the respondents would have been obviously at liberty and within their jurisdiction to transfer her even to any other place in Haryana other than Mahendragarh. That not being so, if the petitioner was not to be given a posting of her choice, but otherwise did not need to be transferred out from Palwal in terms of the policy itself, which requires a person to be transferred out after 5 years at a particular station, she should simply have been allowed to continue at the place where she is presently posted, i.e. the Government Girls High School, Deeghot, District Palwal.

Consequently, this petition is allowed and the impugned transfer order dated 03.08.2017 (Annexure P-4), is hereby quashed.

(AMOL RATTAN SINGH)
JUDGE

September 08, 2017.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No