

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

**C.M. No.2454 of 2017 in
CWP No.21610 of 2016**

Date of Decision:03.03.2017

Deepak Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

P.B. BAJANTHRI J. (Oral)

C.M. No.2454 of 2017

This is an application for preponment.

In view of the averments made in the application, the main case is taken for hearing today itself.

Application stands disposed of.

Main case

The petitioner is a JBT Teacher. He has questioned the validity of order dated 1.8.2016 (Annexure P-9) by which the petitioner's application for inter-district transfer has been rejected on the score that it was not within time limit prescribed i.e. on or before 15.9.2015.

The respondents have framed a policy relating to inter-district transfer of teachers on 6.8.2015. Policy consists of various conditions for the purpose of inter-district transfer of teachers. One of the condition is that teacher who intends to seek inter-district transfer should make an application before 15.9.2015. Admittedly, the petitioner has not submitted his application before 15.9.2015. Hence, the present petition insofar as questioning the rejection of his application that it is belated.

Learned counsel for the petitioner vehemently contended that

the petitioner's mother is suffering from cancer. Therefore, some relaxation should be given in extending the last date. It was further submitted that as on the date of framing of the policy, he was taking care of his mother during the relevant period. Therefore, he could not concentrate to make application for inter-district transfer. Hence, there is an inadvertent delay in making an application. Therefore, he seeks necessary relaxation insofar as fixation of last date for making an application for inter-district transfer.

On the other hand, learned counsel for the respondents submitted that rejection of the petitioner's application for inter-district transfer is in accordance with the transfer policy dated 6.8.2015. Therefore, there is no infirmity in the impugned order.

Heard learned counsel for the parties.

Policy dated 6.8.2015 is issued by Directorate of Elementary Education, Haryana with the approval of the Government. In the case of hardship with reference to certain serious illness of the employee or his or her parents, in such event, it is necessary to relax some conditions stated in the policy. Therefore, for the purpose of extending the date for consideration of inter-district transfer application if there is any serious hardship, in such event, the Director should have referred the matter to the Government since the policy is crystal clear that last date of submission of application to the office of District Elementary Education Officer is 15.9.2015. In other words, the Director, Elementary Education, Haryana cannot extend the last date prescribed for making application for inter-district transfer.

In view of these facts and circumstances, it is necessary for the

State Government to examine the petitioner's case for the purpose of

relaxation the last date for submission of application by invoking provision of relaxation under the General Rules relating to service conditions of employee of State of Haryana.

Accordingly, 1st respondent-Government is directed to re-consider the petitioner's case for inter-district transfer by giving some relaxation, if it is permissible. Such a decision shall be taken by 1st respondent within a period of two months from today.

Petition stands disposed of.

03.03.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**