

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

CWP No. 22978 of 2016 (O&M)
Date of decision : January 11, 2017

Hari Om

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ravi Verma, Advocate
for the petitioner.

Ms. Shruti Goel, AAG Haryana
for respondents No.1 and 2.

Mr. Mandeep Singh, Advocate
for Mr. Chanderhas Yadav, Advocate
for respondent No.3.

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has challenged the order dated 28.10.2016 (Annexure P-5), transferring him from the office of District Education Officer, Jhajjar to the Government Girls Senior Secondary School, Bainsi, District Rohtak, vice respondent No.3.

On 7.12.2016, the following order was passed :-

“ Let the Secretary, Education Department, Haryana/competent authority reconsider the case of the petitioner and the private respondent sympathetically in view of the sentiments expressed by both of them in Court at the hearing that they want to remain at Jhajjar for their personal reasons. In making the decision, the Secretary may consider their posting in establishment/schools near about Jhajjar or to find a suitable alternative which causes the least trouble to the parties without compromising administration. It may be noted that private respondent No.3 has already joined at Jhajjar pursuant to ad interim order. She will be retained at Jhajjar till the decision is taken and the findings/observations/way forward produced before the Court.

List again on 11.01.2017.

Till then, the petitioner will report to Bainsi, Rohtak to await orders.

Since Ms. Goyal has participated in the debate, she would personally instruct the Secretary on the proceedings to help him to find an abiding solution till such time as the next general transfers take place.

It will be open to the Secretary to take an immediate decision pending final re-consideration, whether to keep the petitioner at Jhajjar or send him to Bainsi, Rohtak.”

Today, learned Addl. AG Haryana has informed the Court that after the last order, the petitioner has been adjusted at Government Girls High School Jahagirpur, District Jhajjar which is about 10 KMs from Jhajjar. In the circumstances, the above order stands implemented.

Counsel for the petitioner, however, points out that in this interregnum, another vacancy has arisen at Jhajjar and the petitioner may be granted liberty to file a representation for adjusting him over there.

In my opinion, no liberty is required to be granted and every government employee has a right to make a representation to his superior/s. With these observations, this petition is disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

January 11, 2017
`kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No