

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.20338 of 2017

Date of Decision: September 07, 2017

Sandeep Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rajat Mor, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the transfer order of the petitioner, who is working as a Conductor in the Haryana Roadways, from Gurugram to Bhiwani, vide the order Annexure P-1, endorsed on 22.06.2017, has been cancelled vide the impugned order, Annexure P-2, dated 11.08.2017, even though the petitioner had already put in more than 5 years of service at Gurugram, where he was posted in the year 2012.

Hence, it is further contended that though the cancellation order has been passed on account of a stay having been granted in a petition filed by one Vikram Singh, on the ground that he had been transferred from Bhiwani with less than two years service at the said depot, it would not affect the petitioner, he having been transferred out as per the norms

contained in the policy, Annexure P-3.

A large number of similar matters, challenging the transfer of Conductors and Drivers of the respondent-Haryana Roadways, have already been disposed of by this Court vide its order dated 01.09.2017 (the lead petition being CWP no.17899 of 2017), giving certain directions therein to the effect that even in the case of those whose transfer orders have been cancelled on account of stay orders having been passed in different writ petitions earlier filed before this Court (by those who had been transferred out against the terms of the said policy), such 2nd set of petitioners would now report back to the place where they have been transferred vide the orders impugned in their petitions, as in the present case, and thereafter, a rationalization process would be undertaken by the competent authority, to determine as to which employee (Conductor/Driver) is to be transferred out from a particular depot, on account of a longer stay beyond two years at that particular depot.

A further direction has been issued that even amongst those who have completed more than 2 years of service at a particular depot, unless all of them are being transferred out, the persons with a longer stay would be transferred out prior to persons with a shorter stay, again unless the person with a longer stay is covered by any of the exceptions carved out in the policy, due to which he is to be retained despite such longer stay in that particular depot.

Consequently, this petition is also disposed of in the same terms, with a direction to the competent authority amongst the respondents

to take up the petitioners' case in the rationalization process, after he reports
for duty at Gurugram.

September 07, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: no