

Sr. No.123
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CWP No.23993 of 2017 (O&M)
Date of Decision:24.10.2017

Baljeet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. P.S.Khurana, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner is serving as ETT teacher under the Department of Education, State of Punjab. Document placed on record at Annexure P-2 reveals that the petitioner suffers from permanent physical disability assessed at 70% (lower limb with severe deformity weakness and throttling). Home district of the petitioner is stated to be Fazilka.

The precise grievance set up in the petition is that the respondent authorities have not afforded to the petitioner the preference in the matter of transfer as envisaged under the policy formulated by the State Government itself in the light of memo dated 21.06.2017 (Annexure P-7).

Counsel would make a pointed reference to Clause 13 of memo dated 21.06.2017 and which reads as follows:

*“The following will be given preference while considering the transfers:
Handicapped employees (100% blind and handicapped from legs upto 70% or more)”.*

Counsel further contends that the petitioner had earlier in point of time submitted the requisite transfer proforma indicating three vacant posts in different schools in Fazilka district but the respondent authorities have not

accorded preference to the petitioner in spite of his physical disability and other teachers have been transferred to such schools vide order dated 15.07.2017 at Annexure P-9.

Further urged that a representation dated 27.09.2017 (Annexure P-10) has been submitted to the respondent authorities indicating a particular vacancy that is to arise in a particular school under Fazilka district on 30.10.2017. It is contended that no final decision has been taken thereupon till date.

Counsel for the petitioner has been heard at length.

Even though it is well settled that terms and conditions contained in a transfer policy do not vest any enforceable right yet it is expected that the appropriate State Department would keep in mind the transfer policy issued vide memo dated 21.06.2017 (Annexure P-7) while issuing orders of transfers and particularly so while dealing with an employee who is physically disabled.

In view of the facts and circumstances noticed hereinabove, I deem it appropriate to dispose of the instant petition with a direction to respondent No.2 i.e. Director Public Instructions (Elementary Education) Punjab to look into the grievance of the petitioner as regards adjustment/transfer in any school under Fazilka district. A final decision in the matter be taken expeditiously and conveyed to the petitioner.

Disposed of.

24.10.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No