

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

CWP No.1035 of 2017

Date of Decision : 04.05.2018

Hargyan Singh and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Alka Chatrath, Advocate for the petitioners.
Mr. Hitesh Pandit, Addl. A.G. Haryana.

ARUN PALLI, J. (Oral)

The petitioners have prayed for a writ in the nature of certiorari to quash the order dated 18.11.2016 (Annexure P-11), passed by the Director Elementary Education, Haryana, Panchkula, vide which, their claim for inter district transfer under clause XVI-B has since been rejected.

The petitioners are employed as JBT Teachers with the respondent-department and are posted at Palwal. Pursuant to the Inter District Transfer Policy, dated 06.08.2015 (Annexure P-3), they moved the department seeking transfer to different districts, in order of their respective preferences. Their claim/applications have since been rejected vide impugned order dated 18.11.2016 (Annexure P-11), for they failed to substantiate that they indeed belonged to the Ex-service Men Category, and as a result, their applications were considered under general category and have since been rejected.

Learned counsel for the petitioners submits that before the petitioners joined the respondents-department they had served the Indian Navy, and were, thus, selected and appointed in the ESM Category, at the time of their appointment with the respondent department. Reference in this regard has been made in particular to the letter of appointment (Annexure P1/1 colly.). Likewise, she submits that the relevant records in possession and custody of the department would substantiate their claims further. Thus, the reasons assigned in support of the impugned order is erroneous and unsustainable.

Faced with this, learned State counsel submits that let the order dated 18.11.2016 (Annexure P-11), be set aside, for the department shall re-visit the issue in the wake of the relevant documents/material and consider the claims of the petitioners afresh, within a period of four weeks from today.

The petition is accordingly, disposed of, in the above terms. The respondents/authority shall pass a comprehensive orders in accordance with law within the time specified above.

04.05.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No