

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.18482 of 2018

Date of Decision:-16.08.2018

Smt. Karamjit Kaur.

.....Petitioner.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikram Bali, Advocate for the Petitioner.

Ms. Monica Chibber Sharma, Senior Deputy Advocate General,
Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner is serving as ETT Teacher and challenged her transfer from Gidderbaha, Sri Muktsar Sahib to Budhimal, Sri Muktsar Sahib vide impugned order dated 20.07.2018 (P-1) on a false premise of mutual transfer with Shruti Garg.

This Court on 27.07.2018 passed the following order:-

“ It is contended that the petitioner has remained at her place of posting at Gidderbaha (Sri Mukatsar Sahib) as ETT Teacher only since last two years and one month, and has challenged her transfer from Gidderbaha, (Sri Mukatsar Sahib) to Budhimal (Sri Mukatsar Sahib) vide impugned order dated 20.07.2018 (**Annexure P-1**) on a false premise of mutual transfer. It is urged that the petitioner has never consented for a mutual transfer.

Notice of motion for 16.08.2018.

Dasti as well.

On asking of Court, Mrs. Anu Chatrath Kapur, Addl. Advocate General, Punjab, who is present in Court, accepts notice on behalf of official respondent Nos.1 to 5/State and prays for time to seek instructions.

Learned counsel for the petitioner undertakes to furnish requisite number of copies of the paper book to the State Counsel during the course of day.

In the meanwhile, transfer of the petitioner from Gidderbaha (Sri Mukatsar Sahib) to Budhimal (Sri Mukatsar Sahib) vide impugned order dated 20.07.2018 (P-1) shall remain stayed.

To be taken up in the urgent list.

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At the time of resumed hearing today, Ms. Monica Chibber Sharma, Senior Deputy Advocate General, Punjab on instructions from Mr. Darshan Singh, Block Primary Education Officer submits that the transfer order of the petitioner has since been cancelled vide order dated 26.07.2018.

Mr. Darshan Singh, Block Primary Education Officer who is present in Court admits that in a mutual transfer, the signatures of both the employees are required to be there. He further concedes that in the present case the position was otherwise as Ms. Karamjit Kaur had not affixed her signatures, therefore, the order of mutual transfer could not have been passed. For this serious lapse on the part of some employees, costs are required to be imposed so as to act as a deterrent in future for such lapses.

In view of the above, present writ petition is hereby dismissed as infructuous.

However, Director Elementary Education, Punjab is directed to deposit a costs of Rs.11,000/- (rupees eleven thousand only) with the

Justice Welfare Fund within four weeks from today.

(JASWANT SINGH)
JUDGE

August 16, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>