

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

**CWP-20790-2018(O&M)
Date of decision:-14.11.2018**

Haryana Forest Employees Welfare Association

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE A.B.CHAUDHARI
HON' BLE MR. JUSTICE H.S. MADAAN**

Present : Mr.Raj Kumar Bhatia, Advocate
for the petitioner.

Ms.Tanisha Peshawaria, DAG, Haryana.

A.B.CHAUDHARI, J.(ORAL)

Rule.

Heard forthwith with the consent of the counsel of the rival parties.

The petitioner is a registered union of Forest Employees in the State of Haryana. In the present petition, there is a challenge to the online transfer policy of the 664 Forest Guards of the Haryana Forest Department.

Undoubtedly, the Court will not normally interfere with the transfer of employees from one place to another. This Court, however, found vide order dated 2.11.2018 that the transfer of as many as 664

Forest Guards was sought to be made and in fact 376 guards were issued orders. Having found that the transfers were obviously mid-term and the employees not being at fault, the process of implementation of the transfer orders in the mid session in respect of the huge number of employees would certainly be prejudicial to them and families, this Court stayed the transfers.

We have seen the new policy for bringing transparency in the matter of transfers of employees and on seeing the same, we observed in the order dated 2.11.2018 that the policy itself indicated that the entire exercise was to be completed up to 30.4.2018, that is obviously because the new academic session would start thereafter so also the season of plantation would start in July/August thereafter.

Learned State counsel and Mr.Suresh Dalal, Secretary to Government of Haryana, Forest & Wild Life Department, Chandigarh has stated in the affidavit that though it is true that the policy was to be implemented before the said date, the concerned software could not be kept ready for implementing the new policy and it was only on 1.8.2018 that the trial thereof could be undertaken. According to the counsel for the State, therefore, entire process could be undertaken only after August, 2018, namely to call options and consent etc. to process the same.

Learned State counsel on instructions from Mr.Suresh Dalal, Secretary submits that the 57 Forest Guards are without any posting and thus they are paid salary without any work and therefore, liberty should be granted to post them at the places where the work is available.

Upon hearing the learned counsel for the rival parties, at the outset, we find that the submission made by the learned State counsel on instructions from Mr.Suresh Dalal, Secretary about the posting of 57 Forest Guards, who have been getting salary without work will have to be accepted as the employees cannot be paid salary without work. We therefore, grant liberty to the State to issue posting orders for 57 Forest Guards at appropriate places by modifying the present interim order.

Insofar as the other members of the petitioner union who are aggrieved by the proposed transfers are concerned, we are of the firm view that the policy itself indicated that their transfers were to be actually implemented in April, May, June, 2018. But the delay in setting the software and obtaining option/consent etc. should not act to the detriment of families in mid-term. We are of the view that in such a en-mass transfers, that too mid-term, there is a need to step in.

Learned State counsel on instructions from Sh.Suresh Dalal, Secretary further has made a statement that in such a situation the transfer orders can be implemented w.e.f. Ist week of April, 2019 in respect of all other Forest Guards/employees, who are sought to be transferred.

Mr.Suresh Dalal, Secretary has however expressed an apprehension that there is likelihood of implementation of Code of Conduct being announced during that period. He seems to be right. But then under the court's orders, there should be not difficulty.

We have considered the said submission and we direct the State to implement the proposed transfers w.e.f. 1.4.2019 irrespective of the code of conduct coming into operation by that date.

With the abovesaid directions, the abovesaid petition stands disposed of accordingly.

14.11.2018	(A.B.CHAUDHARI)	(H.S.MADAAN)
Brij	JUDGE	JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No