

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-31-2018 (O&M)

Date of decision: 10.08.2018

Satbir Singh (ID 055441)

...Petitioner

V/s.

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

RITU BAHRI, J. (Oral).

The short question for consideration in the present writ petition is whether the petitioner, working as PGT Hindi in DIET Gurugram since 13.10.2004 can be kept in DIET, who has been transferred to Govt. Senior Secondary School, Jataula, Gurugram (Haryana) vide transfer order dated 27.12.2017 (Annexure P-3).

Vide order dated 29.02.2018 (Annexure P-5), respondents have cancelled the order of Smt. Vandana Dubey posted in DIET Gurugram on the ground that she did not possess requisite qualification and this post was to be filled up by way of following proper procedure. However, while cancelling her transfer, transfer order of the petitioner has not been cancelled on the ground that his stay at Gurugram is for a longer period of time. However, keeping in view the fact that Vandana Dubey had been posted in DIET Gurugram in place of the petitioner, the petitioner should be immediately posted as the workload is there in Gurugram.

Learned counsel for the petitioner has further placed on record information sought under RTI (Annexure P-6) which shows that Susan

Varghese is working as PGT English in DIET Gurugram since 08.01.1998. The person who is working even prior to the petitioner has not been transferred and after cancelling the transfer of Vandana Dubey, the transfer order dated 27.12.2017 (Annexure P-3) with respect to the petitioner is liable to be set aside simply on the ground that workload in DIET Gurugram is not being accomplished and as per the criteria for deployment of existing DIET/faculty (Annexure P-7), preference should be given to more experienced in the DIET /SCERT.

Keeping in view the above, the writ petition is being allowed and the petitioner is ordered to be posted back to DIET Gurugram within one week from the date of receipt of certified copy of the order.

10.08.2018

Divyanshi

**(RITU BAHRI)
JUDGE****Whether speaking/reasoned**

:

Yes/No**Whether reportable**

:

Yes/No