

COCN No. 2133 of 2018

DECIDED ON: SEPTEMBER 10, 2019

ATMA RAM AND OTHERS

.....PETITIONERS

VERSUS

RAJNARAYAN KAUSHIK, DIRECTOR, ELEMENTARY EDUCATION
HARYANA.

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Parth Goyal, Advocate for
Mr. Anurag Goyal, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The present contempt petition has been filed pleading wilful disobedience of the order dated 14.02.2018 passed in CWP No. 10798 of 2016. The writ petition was disposed of in view of order passed in CWP No. 7047 of 2016, titled as Anju vs. State of Haryana and others, which was further disposed of in terms of order dated 10.11.2017 passed in CWP No. 17240 of 2016 titled as Anand Kumar vs. State of Haryana and others.

The relevant portion of the judgment is quoted below:-

“ Resultantly, this Court is of the opinion that the instructions dated 31.03.2010 are not sustainable and are liable to be quashed. Similarly, clause 8 in the transfer order which had been incorporated, on which reliance has also been placed by the State in the transfer orders dated 01.04.2016 that posts on which the GFTs are working are not to be treated as vacancies, is without any justification.

Resultantly, the writ petitions are allowed with directions to the respondents to consider the case of the petitioners afresh for the benefit of their inter district transfer without being fettered by the vacancy position which is consumed by the GFTs. Preference has to be given to the regular appointees who are wrongly being denied their consideration regarding the inter district transfer on account of the policy dated 06.08.2015 only on account of the fact that the GFTs continue to occupy the posts. Resultantly, the State shall take positive action on the request of the petitioners without keeping into consideration the instructions dated 31.03.2010 or inserting condition clause 8 which has been incorporated in the transfer orders. The necessary exercise accordingly be completed within a period of 3 months from the date of receipt of the certified copy of the order.”

Pursuant to the notice of motion, reply was filed. In the reply, it is pleaded that the respondents have taken a policy decision for the compliance of the directions of this Court that the posts occupied by guest and *ad hoc* teachers would be treated as vacant posts.

Learned State counsel states that the case of each of the petitioner would be considered individually in view of the said policy. In case, the claim of any of the petitioner is rejected for transfer to home District, a reasoned order would be passed and communicated to the petitioner.

Learned counsel for the petitioners further states that petitioners would be satisfied, in case their cases are considered individually on the basis of the policy decision. Moreover, in case, their claim is rejected, they may be granted liberty to avail remedies in accordance with law.

In view of the above, no cause of action survives in the present contempt petition.

Disposed of, with liberty as prayed for.

There is no doubt that the directions of this Court are of November, 2017 and the needful i.e. considering the cases of all the petitioners would be done by the respondent as expeditiously as possible but not later than three months from today.

Rule issued against respondents is discharged.

SEPTEMBER 10, 2019
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(AVNEESH JHINGAN)
JUDGE

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