

216/14 connected matters

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 28.08.2019

1. COCP-832-2018

Bansi Lal and others

...Petitioners

vs.

Rajnarayan Kaushik

...Respondent

2. COCP-1158-2018

Anil Kumar

...Petitioner

vs.

Rajnarayan Kaushik

...Respondent

3. COCP-973-2018

Arun Kumar and others

...Petitioners

vs.

Rajnarayan Kaushik

...Respondent

4. COCP-974-2018

Raj Kumar and others

...Petitioners

vs.

Rajnarayan Kaushik

...Respondent

5. COCP-3851-2017

Harish Kumar

...Petitioner

vs.

Krishna Kumar Khandelwal and others

...Respondents

6. COCP-3852-2017

Gagan Deep

...Petitioner

vs.

Krishna Kumar Khandelwal and others

...Respondents

7. COCP-3853-2017

Satyavir Singh

...Petitioner

vs.

Krishna Kumar Khandelwal and others

...Respondents

8. COCP-3854-2017

Sanjay Kumar

...Petitioner

vs.

Krishna Kumar Khandelwal and others

...Respondents

9. COCP-3855-2017

Sanjay Kumar

...Petitioner

vs.

Krishna Kumar Khandelwal and others

...Respondents

10. COCP-3856-2017

Naveen Kumar

...Petitioner

vs.

Krishna Kumar Khandelwal and others

...Respondents

11. COCP-2574-2018

Renu Kumari

...Petitioner

vs.

Dheera Khandelwal and another

...Respondents

12. COCP-259-2018

Yogesh Kumar

...Petitioner

vs.

K. K. Khandelwal and another

...Respondents

13. COCP-1754-2018

Rakesh Kumar Yadav and others

...Petitioners

vs.

Sh. Dheera Khandelwal and others

...Respondents

14. COCP-1142-2018

Ramher Singh and others

...Petitioners

vs.

Dheera Khandelwal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vikram Sheoran, Advocate
for the petitioner(s) in COCP-832, 973 & 974 -2018.

Mr. Tarsem Singh, Advocate for
Mr. Kiran Pal Singh, Advocate
for the petitioner(s) in COCP-1158-2018.

Ms. Manjeet Kaur, Advocate for
Mr. S.K.Malik, Advocate
for the petitioner(s) in COCP-2574-2018.

Mr. S.P.Chahar, Advocate
for the petitioner(s) in COCP-3851 to 3856-2017.

Mr. Govind Mor, Advocate for
Mr. Jasbir Mor, Advocate
for the petitioner(s) in COCP-259-2018.

Ms. Archana Bhandari, Advocate for
Mr. Sandeep Verma, Advocate
for the petitioner(s) in COCP-1754-2018.

Mr. Sandeep Thakan, Advocate
for the petitioner(s) in COCP-1142-2018

Mr. Kuldeep Tiwari, Addl. AG, Haryana.

AVNEESH JHINGAN, J. (Oral)

This order shall dispose of all the above numbered contempt
petitions.

These contempt petitions are raising alleged wilful
non-compliance of order dated 10.11.2017 passed in CWP No. 17240 of

2016 and the related cases which were disposed of in the same terms and conditions. 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.”

Reply filed in Court is taken on record and copy handed over to learned counsel for the petitioners. In the reply, it has been stated 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, on instructions from Mr. Yasin Mohammad, Deputy Superintendent, states that the cases 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 speaking and reasoned order would be passed and communicated to the petitioner.

Learned counsel for the petitioners further states that they would be satisfied, in case their cases individually are considered on the basis of the policy decision relied upon today in the reply filed, subject to that the needful be done expeditiously. Moreover, in case, their claim is rejected, they may be at liberty to avail remedies in accordance with law.

In view of the above, no cause of action survives in the above numbered contempt petitions and all the contempt petitions are 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 three months from today.

Rule issued against respondents is discharged.

28th August, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No