

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

Date of decision: 11.04.2019

1). CWP-6842-2019 (O & M)

Malwinder Singh and ors. Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

2). CWP-6792-2019 (O & M)

Manwinder Kaur Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

3). CWP-7660-2019 (O & M)

Sunil Kumar Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

4). CWP-7702-2019 (O & M)

Mandeep Kaur Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

5). CWP-6521-2019 (O & M)

Jaspreet Kaur and ors. Petitioner(s)

V/s

State of Punjab and ors. ...Respondent(s)

6). CWP-6875-2019 (O & M)

Pooja Sharma

.... Petitioner(s)

V/s

State of Punjab and anr..

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Animesh Sharma, Advocate, for the petitioner(s)
(in CWP Nos.6842, 6792, 6875, 7660 and 7702 of 2019).

Mr. Anshul Gupta, Advocate, for the petitioner (s)
(in CWP-6521-2019).

Ms. Anu Chatrath, Addl.A.G., Punjab.

Rajan Gupta, J. (Oral)

This order shall dispose of connected petitions bearing CWP Nos. 6842, 6792, 6521, 6875, 7660 and 7702 of 2019 as common facts are involved therein.

Petitioners, in the above-mentioned petitions, were working as Teachers under the Sarv Shiksha Abhiyan (SSA) and Rashtriya Madhyamik Shiksha Abhiyan (RMSA). They exercised their option for regularization in Education Department w.e.f. 01.04.2018. Notification Annexure P-2/P-1 was issued regularizing the petitioners. Petitioners, thereafter, started working at their respective places of appointment. After about six months, impugned order dated March 05, 2019 was issued transferring the petitioners to various places. Said order is subject-matter of challenge in the instant petitions. Petitioners have placed reliance on Policy dated April 23, 2018, Annexure P-4 and Policy dated February 06, 2018, Annexure P-5 (Annexure

contravention of said policies. Para 1.2 (C) of the Policy dated April 23, 2018, reads as under:-

“(C) Transfer of Group-C officers from its post shall not be made before 2 years. But in special administrative circumstances, or keeping in view the serious personal problem of the officer, transfer of officer can be made before 2 years by taking prior permission o the competent authority and recording reasons in support of the same.”

Petitioners allege similar violation of the Policy, Annexure P-5 issued by the Education Department. According to learned counsel for the petitioners, neither permission of the competent authority had been sought before issuing impugned order nor any reasons have been recorded.

Reply by way of short affidavit of Krishan Kumar, Secretary to Government of Punjab, Department of School Education has been filed. No clear stand is forthcoming therein whether impugned orders being in consonance with the Policies Annexures P-4 and P-5.

Under the circumstances, above-mentioned petitions are hereby disposed of with a direction to the respondents to reconsider the matter and pass appropriate orders within three weeks.

Status quo be maintained till such orders are passed.

April 11, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No