

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

CWP No.22474 of 2016

Date of decision: 30.10.2019

Gurlal Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Sant Lal Barwala, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

None for respondent Nos.10 to 14.

B.S. Walia, J. (Oral),.

1. Challenge in the writ petition is to transfer order Annexure P/3 dated 06.08.2016, whereby respondent Nos.8 to 14, are claimed to have been transferred contrary to Clause 2 and 3 of Rule 12 of the Haryana State Education School Cadre (Group-B) Service Rules, 2012. Prayer is for the issuance of a writ of Mandamus for directing the official respondents to transfer petitioner Nos.1 and 2 to Govt. Senior School, Tohana, District Fatehabad, petitioner No.3 to Govt. Girls Senior Secondary School, Tohana, District Fatehabad and petitioner No.4 to Govt. Girls Senior Secondary School, Narwana, District Jind, as per their preference in accordance with the transfer policy.

2. Learned counsel for the petitioners contends that as per Rule 12 of the Haryana State Education School Cadre (Group-B) Service Rules, 2012, a fresh recruitee is liable to serve for five years in a rural area, whereas private respondents who had been transferred in place of the petitioners, had not served for five years in rural areas, consequently on their opting for schools where the petitioners were working, the same would be deemed to be no option and the petitioners would be entitled to the benefit of Clause-5 (vi) of the Transfer Policy, 2016.

3. Pursuant to orders of transfer, petitioner No.1 was transferred from Govt. Senior Secondary School, Tohana, District Fatehabad to Govt. Senior Secondary School, Amani, Tohana, District Fatehabad, petitioner No.2 was transferred from Govt. Senior Secondary School, Tohana, District Fatehabad to Govt. Senior Secondary School, Laloda, Tohana, District Fatehabad, petitioner No.3 was transferred from Govt. Senior Secondary School, Tohana, District Fatehabad to Govt. Senior Secondary School, Laloda, Tohana, District Fatehabad while petitioner No.4 was transferred from Govt. Senior Secondary School, Narwana, District Jind to Govt. Senior Secondary School, Kaithal, District Kaithal and all of them joined at the aforementioned places.

4. That while issuing notice of motion, status quo regarding service of the petitioners was ordered to be maintained.

5. Learned Sr. Deputy Advocate General states that pursuant to order of transfer Annexure P/3 dated 06.08.2016, a period of more than three years has elapsed, besides, transfer policy stands amended

in the year 2017, and in view of new transfer policy having come into force, the writ petition has become infructuous and is liable to be disposed of as such and if so advised, the petitioners may submit a representation at the time of general transfers in March/April, 2020, for posting at the station of their choice, in accordance with the policy as applicable.

6. In the light of the position as noted above, the writ petition is disposed of as not calling for any further orders while leaving it open to the petitioners to move a representation at the time of general transfers in March/April, 2020, for posting as per their option, in accordance with the policy, then in force.

7. Writ petition disposed of in aforementioned terms.

(B.S. Walia)
Judge

30.10.2019

rajesh.k.khurana

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| 1. Whether speaking/reasoned | : | Yes/No. |
| 2. Whether reportable | : | Yes/No. |