

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

1. CWP No. 23646 of 2018

Rajesh Kumar and othersPetitioners

versus

State of Haryana and others ..Respondents

2. CWP No. 4637 of 2019

Mona and anotherPetitioner

versus

State of Haryana and others ..Respondents

3. CWP No. 4956 of 2019

Arvind and othersPetitioner

versus

State of Haryana and others ..Respondents

4. CWP No. 5120 of 2019

Banshi Lal and ors.Petitioner

versus

State of Haryana and others ..Respondents

5. CWP No. 5962 of 2019

Mandeep Kumar and ors.Petitioners

versus

State of Haryana and others ..Respondents

Date of decision : 05.03.2019

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anurag Goyal, Advocate
for the petitioner in CWP No. 23646-2018
and CWP No. 4956-2019

Mr. Vikram Sheoran, Advocate
for the petitioner in CWP No. 5120 and 5962 of 2019

Mr. Shalender Mohan, Advocate
for the petitioner in CWP No. 4637-2019

Ms. Palika Monga, DAG Haryana

RITU BAHRI, J. (Oral)

The above mentioned five petitions, are being disposed of by this common judgment, as common questions of law and facts are involved therein. However, for the facility of reference, the facts are being taken from CWP No. 23646-2018.

Prayer in the present writ petition is for issuance of writ in the nature of mandamus for directing the respondents to take options from the petitioners for choosing the district of their choice, as they are placed at Bhiwani, which is bifurcated into two Districts i.e Bhiwani and Charkhi Dadri, as the petitioners belong to District Cadre post i.e JBT/PRT Teacher.

On 27.02.2019, this Court in CWP No. 4659-2019 passed following order:-

“Mr. D.K. Behera, IAS, Director Elementary Education Haryana Panchkula is present in Court today and he has clarified that if a candidate wants to participate in cadre change drive dated 06.09.2018, he does not need to give three options, he can participate with one option and if he is not given posting of one option, he will be retained at the place where he is already posted.

Learned counsel for the petitioners further states that there is no provision for mutual cadre change in cadre change drive dated 06.09.2018. Mr. D.K. Behera informs that the cadre change policy is being implemented keeping in view the reservation roster of particular category and he seeks time to examine this issue.

Learned counsel for the petitioners now contends that if there are two candidates and want to have mutual transfer between two districts in their respective categories, their

request should be entertained.

Mr. D.K. Behera has further informed the Court that 9402 candidates have been issued appointment letters till date and 468 candidates remained to be given appointment letters. He has further informed that at the time of selection, there were two lists sent by the Commission. In list No. 1, districts were already given by the Commission and in list No. 2, no districts were allotted by the Commission to the candidates. In the meantime, the cadre change drive be carried out and on the next date of hearing, Mr. D.K. Behera, will inform the Court regarding mutual transfer of the cadre and also as to whether after adjustment of 2017 appointees, how many vacant posts are available and whether these posts can be sent in cadre change drive?

List on 05.03.2019.

A photocopy of this order be placed on the files of other connected cases.”

Today, again Mr. D.K. Behera, IAS, Director Elementary Education Haryana Panchkula is present in Court today and stated that at present Bhiwani is taken as one district for the purpose of executing the cadre change policy dated 06.09.2018 (R-1). Further whenever Charkhi Dadri is made an independent district and fresh option will be taken from PRTs/JBTs of both the Districts. It has further been informed that out of 7563 posts, only 3881 employees have given their options in the above policy. . With respect to 2017 appointees, LPA No. 686 of 2016 is pending before this Court for 12.04.2019.

Mr. D.K. Behera, IAS, Director Elementary Education Haryana Panchkula has further informed that the concept of Mutual transfer was considered upto the Government but the same was declined, as Cadre Change Policy is not a transfer drive, it is an appointment in other district by

mode of transfer. This policy is purely based on composite marks earned by a participant. Under “Mutual”, an applicant having higher composite marks would be a sufferer and that would be discrimination with him/her. Post under “Mutual” would be reserved for a particular PRT and that would be against principles of equality.

In view of the above factual position, at this stage no ground is made out for giving direction to the respondents.

Disposed of.

However, if the petitioners have any grievance with respect to transfer policy of 2015, they can take appropriate remedies in accordance with law, after transfer drive is concluded.

(RITU BAHRI)
JUDGE

05.03.2019
G Arora