

CM-18596-CWP-2019 in/and
CWP No. 31238 of 2019

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

CM-18596-CWP-2019 in/and
CWP No. 31238 of 2019
Date of decision: 10.12.2019

Sukhvir Singh

.....Petitioner

V/s.

State of Haryana and another

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Karamveer Singh Banyana, Advocate with
Ms. Nisha, Advocate, for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Sanjay Kumar, J. (Oral)
CM-18596-CWP-2019

The civil miscellaneous application filed for advancement of hearing of the main case is ordered and the main case is taken up for hearing.

CWP No. 31238 of 2019

The grievance of the petitioner, an Elementary School Head Master, is that he was transferred to a non-existing school, vide order dated 06.09.2019 (Annexure P-2).

It appears that the petitioner submitted a request seeking re-transfer on this ground on 10.09.2019 (Annexure P-6) but the Transfer Committee rejected his request as not justified on 24.09.2019.

Perusal of the record reflects that the Head Master of the

Government High School at Banmandori, Fatehabad, informed the Block Education Officer, Bhattu Kalan, Fatehabad, that the petitioner had been transferred to the Government Middle School, Bhattu Kalan Block, District Fatehabad, but there was no building; no land; no student; no demand of the panchayat for an Elementary School and that only a High School was functioning at Banmandori. He further stated that the question of the petitioner joining there did not arise and sought further instructions. The District Elementary Education Officer, Fatehabad, also addressed letter dated 09.09.2019 (Annexure P-5) to the Director, Elementary Education, Haryana, stating to the same effect and sought guidance in the matter.

However, no action seems to have been taken till the filing of this writ petition on 10.10.2019. When the matter was taken up for hearing on 30.10.2019, notice of motion was ordered.

Today, Mr. Rajesh Gaur, learned Additional Advocate General, Haryana, would inform this Court that letter dated 09.12.2019 was addressed to his office by the Director, Elementary Education, Haryana, stating that the case of the petitioner was considered and he has now been adjusted at GSSS, Khabran Kalan (3280), District Fatehabad, against a clear vacancy.

In the light of the aforesaid development, the grievance of the petitioner now stands settled, but this Court must necessarily take note of the fact that petitioner was unjustly denied his salary since his transfer to a non-existing school. As it was for the authorities concerned to apply their mind while effecting such a transfer the fact that he remained out of service

owing to total dereliction of duty on the part of the transferring authorities cannot be held against him. The respondents shall therefore release the salary of the petitioner for the period that he was kept out of service due to their own lapse. The amount due to the petitioner in this regard shall be released expeditiously and in any event, not later than two weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.12.2019

rakesh	
whether speaking/non speaking	: Yes/no
whether reportable/non reportable	: Yes/no