

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

CWP-13707-2020

Date of Decision: 07.09.2020

NITIN

.....Petitioner

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present Mr.Parmod Chauhan, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that the petitioner is working as Clerk in the respondent-Department since 2012. He has been transferred from Block Education Office, Rai, Block Rai, District Sonapat to District Education Office, Yamuna Nagar, Block Jagadhari, District Yamuna Nagar, which is about 150 Kms from Sonapat.

The petitioner had already applied for particular preferences at Government Senior Secondary School, Jatwara Block Sonapat, District Sonapat where one post has become available on account of unfortunate death of one Randhir Singh

on 27.08.2020. The said post is still lying vacant. The said post is also lying vacant in Government Girls Senior Secondary School, Nahra, District Sonapat due to retirement of one Rajender Prasad, Clerk on 31.08.2020. Two posts of Clerk are also lying vacant at District Institute for Education and Training Beeswanmeel, Block Rai, District Sonapat.

The transfer policy dated 14.08.2020 has also been challenged in CWP No. 12292 of 2020 titled **Pawan Kumar & others Vs. State of Haryana and others.,** wherein it has been observed that transfer orders are subject to decision of the writ petition. In another CWP No. 13072 of 2020 titled **Arun Kumar Vs. State of Haryana and others.,** operation of the transfer orders has been stayed on 28.08.2020 in view of the facts and circumstances of that case. In CWP No. 10253 of 2020 titled **Gram Sachiv Welfare Association Vs. State of Haryana and others.,** undertaking has been given before the Hon'ble Division Bench that in view of COVID-19 transfer policy will not to be enforced for three months.

The petitioner could not represent before the competent authority i.e., respondent No. 2 due to the fact that the portal of the respondent is not working and is not accepting the grievances of the person like the petitioner.

Notice of motion.

On the asking of Court, Ms. Deipa Singh, Additional Advocate General, Haryana accepts notice on behalf of the respondent/State.

In view of the fact that the petitioner has already joined the post to which she was transferred, therefore it would be just and appropriate to direct respondent No.2 to treat this writ petition as a representation and take final view on the matter, in accordance with law and also in view of facts and circumstances of the case.

It would be appreciated, if the decision is taken in the matter by respondent No.2 within a period of three weeks from the date of receipt of certified copy of this order along with copy of writ petition.

The writ petition is disposed of accordingly.

07.09.2020
tarun

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No