

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

**CWP-14471-2020(O&M)
Date of decision : 16.09.2020**

Dharmender

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. N.K.Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner who is serving on the post of Clerk has filed the instant petition assailing the order dated 14.08.2020 (Annexure P-5) to the extent of his transfer from Hansi (Hisar) to Jakhal (Fatehabad).

Counsel contends that the impugned transfer is contrary to the transfer policy framed by the School Education Department, State of Haryana. Counsel has adverted to the transfer policy dated 06.03.2020 at Annexure P-2 to assert that the minimum tenure that an employee has to serve at a particular place of posting is three years and it is only thereafter that the petitioner could have been transferred out. It is argued that the petitioner had joined at Hansi (Hisar) in the month of October, 2017 and even before completion of three years at such place of posting, he has been

directed to be transferred to a different district. Family circumstances have also been cited to assail the transfer. Counsel submits that the petitioner has two minor children to look after and as such the impugned transfer would entail personal difficulty.

Having heard the counsel at length and having perused the pleadings on record this Court is of the considered view that no intervention in the matter is warranted in exercise of the extra ordinary writ jurisdiction.

It is by now well settled that terms and conditions contained in a transfer policy do not vest an enforceable right in an employee. Reference in this regard may be made to the decision of the Apex Court in Union of India vs. S.L.Abbas, 1995(4) SCT 455

Be that as it may, this Court is of the view that transfer policies framed by the State Government ought not be ignored totally. As such while declining to interfere in the instant petition, liberty is granted to the petitioner to approach the concerned/competent authority as regards his grievance against his transfer from Hansi (Hisar) to Jakhal (Fatehabad). In case any such representation is submitted by the petitioner the concerned authority would be obligated to examine the same.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 16, 2020
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No