

CWP No.15400 of 2020

Date of Decision : 25.09.2020

Jasmer Singh Mann

...Petitioner

Versus

State of Haryana and others

....Respondents

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

Present : Mr. Lalit Pathak, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Articles 226/227 of the Constitution of India, is for issuance of a writ of certiorari for quashing the transfer order (Annexure P-5) dated 31.08.2020 issued by respondent No.1 vide which the petitioner has been transferred in violation of the transfer policy/notification (Annexure P-1) dated 20.03.2020 as amended vide letter (Annexure P-3) dated 07.08.2020.

3. Mr.Vivek Chauhan, Addl. Advocate General, Haryana, who is present, by referring to Para No.9 Clause (iii) at page No.30 of the paper book i.e. the Transfer Policy, contends that the petitioner has no right to challenge the transfer by way of the instant writ petition as remedy has been provided to an aggrieved employee, who can represent to the competent authority within 15 days of the issuance of transfer orders, after joining at the new place of posting and in case of submission of representation, the same is to be

within 15 days thereafter. Relevant extract of the transfer policy (Annexure P-1) is reproduced as under:-

“9. *Post transfer exercise :*

(i) *xxxx*

(ii) *xxxx*

(iii) *Aggrieved employees can represent to the competent authority within 15 days of issuance of orders, after joining at new place of posting. Their representation will be considered in accordance with the Policy and appropriate decision will be conveyed to him/her within 15 days.”*

4. At this stage, learned counsel for the petitioner states that the petitioner has already filed representation (Annexure P-6) dated 02.09.2020 but the same has not been decided till date.

5. Learned State Counsel states that representation would be decided within a period of 10 days from today.

6. In view of the position as noted above, the writ petition is disposed of by direction respondent No.2 to consider and decide the representation (Annexure P-6) dated 02.09.2020, in accordance with law, after taking into account all aspects of the matter, as expeditiously as possible, within 10 days from today. However, till such time, that decision is not taken on the representation, the position as is existing on date, be maintained.

(B.S. Walia)
Judge

September 25, 2020

'Rajneesh-Amit'

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*