

CWP No.15403 of 2020

Date of Decision : 25.09.2020

Surender Kumar

...Petitioner

Versus

State of Haryana and others

....Respondents

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

Present : Mr. Sushil Sheoran, Advocate for the petitioner.

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**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 the issuance of a writ in the nature of Certiorari for quashing the transfer order (Annexure P-1) dated 07.01.2020, passed by respondent No.2, transferring the petitioner from Block Jhojhu (Charkhi Dadri) to Block Firojpur Jhirka (Mewat) and order (Annexure P-7) dated 18.09.2020, passed by respondent No.3, relieving the petitioner in terms of transfer order (Annexure P-1) dated 07.01.2020 in violation of the Haryana Development and Panchayat Department (Group C) Filed Offices Service Rules, 2012, as also the transfer policy (Annexure P-2) dated 04.12.2018.

3. Notice of motion.

4. Mr. Vivek Chauhan, Addl. A.G., Haryana, who is present, accepts notice and states that the writ petition is not maintainable, as the aggrieved employee has been provided remedy under Clause 9 (xii) of the transfer policy (Annexure P-2) to submit a representation against the

whereupon the representation would be considered in accordance with policy/instructions/rules and appropriate decision conveyed to the aggrieved employee.

5. Faced with the aforementioned position, learned counsel for the petitioner states that petitioner would submit a representation within such time as is granted by this Court and the writ petition be disposed of by directing the competent authority i.e. respondent No.2 to consider and decide the same in accordance with law expeditiously and till such time, that decision is not taken, the order of transfer be not acted upon.

6. Learned State Counsel states that in case representation is submitted by the petitioner to respondent No. 2 by 28.09.2020, the same would be considered and decided by respondent No.2 by 06.10.2020 and till decision on the representation, the transfer order shall not be acted upon. The same satisfies learned counsel for the petitioner.

7. Accordingly, in the light of the position as noted above, the writ petition is disposed of by granting liberty to the petitioner to submit representation to respondent No.2 by 28.09.2020. In case any representation is filed by the petitioner against the transfer order to respondent No.2, the same be considered and decided by respondent No.2 within one week of receipt.

**(B.S. Walia)**  
**Judge**

**September 25, 2020**

*'Rajneesh-Amit'*

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|-----------------------------------|---|---------------|
| <i>Whether speaking/ reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>         | : | <i>Yes/No</i> |