

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

CWP No.15672 of 2020 (O&M)

DATE OF DECISION: 29.09.2020

Urmila Devi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jasbir Mor, Advocate for the petitioner

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ALKA SARIN, J.: (Oral)

Heard through video conferencing.

This is a Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of an appropriate order or direction quashing the posting/transfer order dated 18.09.2020 (Annexure P-6).

Learned counsel for the petitioner has contended that the petitioner was due for promotion and was promoted to the post of High School Headmaster vide order dated 21.07.2020. After the promotion, the petitioner was called for document verification to the office of the District Education Officer, Sonipat. There the petitioner had specifically given her request/representation through proper channel dated 19.08.2020 (Annexure P-3) for forgoing the promotion to the post of High School Headmaster. Thereafter, online applications for transfer were invited from the newly selected/promoted Principals/Headmasters. The petitioner, vide Annexure P-5, filled in the online counselling form wherein again she had specifically uploaded a “forgo” request, for family reasons. However, vide impugned order dated 18.09.2020, the petitioner, despite her request for foregoing her promotion, has been transferred to Government High School, Choudhary Wali (Hisar) which is 200 kilometres away from her present place of posting. Learned counsel for the petitioner would further contend that a detailed representation dated 21.09.2020 (Annexure P-7) in this regard has also been given to the respondents.

Learned counsel for the petitioner submits that at this stage the petitioner would be satisfied if her representation dated 21.09.2020 (Annexure P-7) is decided by passing a speaking order and till then she may not be relieved from her present place of posting.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, AAG, Haryana has joined the session through video conferencing and accepts notice on behalf of the respondents.

Learned counsel for the State submits that he has no objection if the writ petition is disposed off with a direction to decide the representation (Annexure P-7) in a time-bound manner by passing a speaking order. He further states, on instructions, that the posting/transfer order dated 18.09.2020 (Annexure P-6) qua the petitioner would be kept in abeyance till a decision is taken on the representation (Annexure P-7) made by the petitioner.

In view of the above, and without commenting on the merits of the case, the present writ petition is disposed off with a direction to respondent No.2 to decide the representation dated 21.09.2020 (Annexure P-7) made by the petitioner by passing a speaking order in accordance with law within a period of one month from the date of receipt of a certified copy of this order. Till then, as stated by learned State counsel, the impugned posting/transfer order dated 18.09.2020 (Annexure P-6) shall be kept in abeyance qua the petitioner only.

(ALKA SARIN)
JUDGE

29.09.2020
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO