

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

**201A**

**CWP No.16748 of 2020**

Date of Decision : February 26, 2021

**SANJEEV KUMAR**

.....Petitioner

***VERSUS***

**STATE OF HARYANA AND ORS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Ms. Neha Rana, Advocate  
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

**( Through Video Conferencing )**

**JASGURPREET SINGH PURI. J. (Oral)**

The present petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of order or direction and for quashing the action of the respondents in including the name of the petitioner in the transfer list of Taxation Inspectors with a longer stay for participating in online transfer drive of 2020 compulsorily.

Notice of motion was issued in the present case and reply has been filed by the Additional Excise and Taxation Commissioner, Haryana, Panchkula, in which it has been submitted that the online transfer policy provides a mechanism for the redressal of grievance of the employees aggrieved from the order issued under this Policy. Under

Clause 6 (X) of the Policy (Substituted and re-notified on 14.08.2020) and for that purpose a Committee comprising of Deputy Commissioners, CMO and concerned DETC/JETC may recommend deputation/temporary transfer of an employee after the transfer drive, on the basis of genuine and compelling reasons. The aforesaid Clause 6(X) is reproduced as follows:-

“A Committee headed by the Deputy Commissioner and comprising of CMO and concerned DETC/JETC, may recommend deputation/temporary transfer of an employee after the transfer drive, on the basis of genuine and compelling reasons. A web portal would be provided for taking online applications from the employees for this the Committee will scrutinize such cases and send their recommendations to the Govt., which will be dealt under relaxation Clause of the Transfer Policy.”

The learned counsel for the petitioner has submitted that the petitioner shall be filing a specific representation to the aforesaid committee within one week from today. She further stated that she will be satisfied in case the representation of the petitioner is taken up by the aforesaid Committee and decided within some time frame period.

The learned State counsel submits that he has no objection in case a direction is issued to the aforesaid Committee to decide the representation of the petitioner in pursuance of Clause 6(X) of the Policy in accordance with law.

Consequently, in view of the stand taken by both the learned counsels for the parties, the present writ petition is disposed of with a direction to the aforesaid Committee to consider and decide the

representation of the petitioner in accordance with law and preferably within a period of two weeks from the date of receipt of a copy of this order, if there is no impediment in this regard.

February 26, 2021  
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(JASGURPREET SINGH PURI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No