

In the High Court of Punjab and Haryana at Chandigarh

Civil Writ Petition No. 17516 of 2020

Date of Decision: 26.10.2020

Amit Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari seeking quashing of the impugned order dated 02.9.2020 (Annexure P-1) passed by respondent No. 2 qua the petitioner, vide which the petitioner has been transferred from Block Lakhna Majra (Rohtak) to the office of BDPO, Punhana (Mewat).

Learned counsel for the petitioner *inter alia* submits that the petitioner has been transferred out of the district and as per Appendix-A of The Haryana Development and Panchayats Department (Group-C) Field Officers Services Rules 2012 notified by Haryana Gazette Notification dated 06.06.2012, the District cadre would be maintained in the case of Gram Sachiv and Patwari and their *inter se* seniority would be of State level

and maintained accordingly.

Learned counsel further submits that as per the online transfer policy dated 02.6.2020, the general transfer online will be made only once in a year. However, transfer/posting necessitated by promotion, direct recruitment, posts needed to be filled up in public interest, can be made anytime by the competent authority.

Notice of motion.

On the asking of the Court, Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana accepts notice on behalf of the State. He has drawn the attention of this Court towards the online transfer policy and submits that as per the said policy, all the transfers are to be implemented within 07 days of the issuance of orders and after joining the new place of posting, the candidate can move the representation to the department within 15 days of issuance of the order and the said representation shall be considered in accordance with the policy and appropriate decision shall be conveyed to the candidate.

Learned counsel for the petitioner submits that vide order dated 17.8.2020 passed by the Division Bench of this Court, the online transfer policy dated 02.6.2020 for Gram Sachiv 2020 has been kept in abeyance for three months.

The said fact has not been disputed by the learned State counsel.

Keeping in view the above, the petitioner, if so advised, can move an application/representation to the Director, Development and Panchayat Department, Haryana-respondent No. 2 within 15 days from the date of receipt of certified copy of this order and the said representation

shall be decided by respondent No. 2 within a period of one month thereafter.

As the transfer policy dated 2.6.2020 has been kept in abeyance for a period of three months by the Division Bench of this Court vide order dated 17.8.2020, the prayer of the learned counsel for the petitioner not to compel the petitioner to join the new place of posting, does not call for any order.

The petition stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

October 26, 2020
Gurpreet

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