

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CWP No.17716 of 2020

Decided on : 28.10.2020

Sanjeev

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner challenges his transfer order dated 14.08.2020 (Annexure P-5) from Government Girls Senior Secondary School, Chiri (2811), Block Lakhan Majra, District Rohtak to Government Senior Secondary School Seekri (1108), Block Ballabgarh, District Faridabad, where he is working as a Clerk.

Counsel for the petitioner has submitted that petitioner was only transferred to Rohtak on 24.05.2019 (Annexure P-4) and therefore, his transfer is before the period of 5 years as per transfer policies dated 07.04.1989, 06.10.2004, 29.06.2016 (Annexure P-1 to P-3). It is further submitted that the petitioner has already filed representation dated 17.08.2020 (Annexure P-7) to respondent No.3 for cancellation of the transfer.

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana, accepts notice on behalf of the State-respondents.

Counsel for the petitioner very fairly submitted that in pursuance of the transfer order the petitioner has joined on 16.08.2020 at Faridabad which fact has been confirmed by the counsel for the State.

Counsel for the State has submitted that the said policies as such are not applicable to the petitioner and pertain to the post of Teachers. It is further submitted that the state of Haryana has been divided into zones and petitioner is in Zone-6 since 2012 and therefore, the zone has to be changed as per the policy.

Keeping in view the settled principles that this Court would not exercise its extraordinary writ jurisdiction in transfer matters unless any mala fide or arbitrariness is made out. Accordingly, this Court is of the opinion that no case as such is made out to interfere in the transfer order. However, the respondent No.2 is under an obligation as such to look into the representation dated 17.08.2020 (Annexure P-7) and to pass a speaking order within a period of four weeks from the receipt of the certified copy. In case, the request is not acceded to, it is open to the respondents to pass a speaking order and convey it to the petitioner.

28.10.2020
Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No