

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

**CWP-18011-2020**

**Date of Decision: October 29, 2020.**

**SMT. KAMLESH**

..... PETITIONER (s)

Versus

**STATE OF HARYANA AND OTHERS**

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Ravinder Malik, Advocate  
for the petitioner.

Mr. Ashish Yadav, Addl. AG., Haryana.

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**LISA GILL, J.**

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner is aggrieved of order dated 14.08.2020 (Annexure P-5), whereby the petitioner has been transferred from Gurugram to Nagina, Nuh Mewat.

Learned counsel for the petitioner submits that the petitioner's transfer is contrary to the Transfer Policy (Annexure P-3), framed by the School Education Department. Reference is made to Clause 4(iv) of the Transfer Policy to submit that the respondent authorities should not have blocked the posts at places where there is only a single sanctioned post and for which the petitioner had submitted her options. The posts are stated to be blocked in an illegal and arbitrary manner. Learned counsel further submits that some of similarly situated employees have been posted at nearby places

whereas the petitioner has been posted at a very far-off place. Learned counsel for the petitioner submits that the petitioner is 100% visually impaired, her husband is visually impaired to the extent of 90% and her son is visually impaired to the extent of 75%. It is further submitted that the petitioner had submitted a representation before the Education Minister, State of Haryana, upon which, the Education Minister, Haryana has recommended cancellation of the petitioner's transfer by giving her relaxation in transfer policy vide recommendation dated 27.08.2020 (Annexure P-13), but to no avail. It is thus prayed that this petition be allowed.

Learned counsel for the State, to whom an advance copy of the petition has been supplied, opposes this petition.

I have heard learned counsel for the parties and have gone through the file with their able assistance. However, I do not find any ground what-so-ever to interfere in this writ petition. It is a settled position that the terms and conditions in a transfer policy cannot vest an employee with an enforceable right. No mala fide is alleged. Reference can gainfully be made in this regard to a decision of Hon'ble Supreme Court in ***Union of India Vs. S.L. Abbas 1995(4) SCT 455***. Reference in this regard can also be made to order dated 16.09.2020, passed by a co-ordinate Bench, in CWP-14471-2020.

At this stage, learned counsel for the petitioner submits that the representation on the basis of which recommendation dated 27.08.2020 has been made, be decided by the competent authority in a time bound manner.

Keeping in view the facts and circumstances of this case, this writ petition is disposed of with a direction to the competent authority to consider the present writ petition as a representation by the petitioner and

decide the same within a period of two weeks from receipt of certified copy of this order.

Petition is disposed of accordingly.

**29.10.2020**  
Sunil

**(LISA GILL)**  
**JUDGE**

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