

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

(i) **CWP No.23244 of 2019 (O&M)**
Date of Decision: 02.11.2020
(Heard through Video-Conferencing)

Dharmender Kumar Sharma ...Petitioner

Vs.

State of Haryana and others ...Respondents

(ii) **CWP No.25318 of 2019**

Devender Singh and others ...Petitioners

Vs.

State of Haryana and others ...Respondents

Coram: Hon'ble Ms. Justice Ritu Bahri

Present: Mr. Vikram Sheoran, Advocate
for the petitioner(s) (In both petitions).

Mr. Hitesh Pandit, Addl. Advocate General, Haryana
for respondents No.1 to 3-State.

Mr. Jagbir Malik, Advocate, for respondents No.4 & 5.

Ritu Bahri, J. (Oral)

This order shall dispose of CWP Nos.23244 & 25318 of 2019 together as the common question of law is involved in both the petitions. For the convenience, facts are taken from CWP No.23244 of 2019.

The petitioner has challenged the transfer order dated 23.08.2019 (Annexure P-16) and dated 13.12.2016 (Annexure P-3). His grievance is that he was eligible as per Policy dated 06.09.2018 and being appointed in 2008, had not been given posting as per his three preferences. His three preferences were Bhiwani, Rohtak and Hisar.

When notice of motion was issued on 30.08.2019, this petition

others Vs. State of Haryana and others. This petition has now been decided vide judgment order dated 14.08.2020 (Annexue R-1) placed on record by the counsel for the State along with Civil Miscellaneous Application No. 11170 of 2020. In Sapna Devi's case (Supra), vide a detailed judgment, this Court has clarified the manner in which the options given by the employees for transfer has to be considered. A person, who is senior, has to be given first preference of his choice of the three districts. But, if he has given a specific option and that option has been given to him, thereafter, a junior is given his first preference then the senior cannot make an another request for the option given to junior that latter's option has to be given to him. The abovesaid judgment has clarified the implementation of this policy.

Counsel for the petitioner further informs that an LPA against this judgment has already been filed. However, it is not being disputed that there is no interim stay for implementation of this judgment (Annexure R-1). The petitioners' case will be considered for transfer as per the judgment in Sapna Devi's case (Supra).

This petition, at this stage, is being disposed of, in view of the Sapna Devi's case (Supra).

The exercise of allotment of cadres in the manner, be carried out within a period of three months as per judgment of Sapna Devi's case (Supra).

Pending application(s), if any, shall also be disposed of.

(RITU BAHRI)
JUDGE

02.11.2020
hemlata