

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22397-2020 (O&M)
Date of decision : 23.12.2020

HSEB Diploma Engineers Association

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sushil Jain, Advocate for the petitioner(s).

Mr. Sandeep Mann, Addl.A.G., Punjab.

JITENDRA CHAUHAN J. (ORAL)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

This writ petition under Article 226 of the Constitution of India has been filed seeking quashing of impugned “Online Transfer Policy for JE/JE-1” dated 22.10.2020 (Annexure P-4), issued by respondent No.3; and impugned letter dated 11.12.2020 (Annexure P-6), issued by respondent No.4, whereby, options have been sought from the Junior Engineers for transfer in view of the Policy (Annexure P-4).

Contentends that a similar controversy came up for adjudication before this Court in CWP-22197-2020 titled as *HSEB Diploma Engineers Association Vs. State of Haryana and others*, decided on 22.12.2020. Learned counsel prays that the instant writ petition may be disposed of in

the same terms.

Heard.

Having regard to the controversy involved and the nature of prayer made, we are not inclined to issue notice of motion. However, a complete set of the paperbook has already been supplied to learned State counsel.

In HSEB Diploma Engineers Association's case (supra), this Court has held as under:-

Petitioner-association has approached this Court, highlighting certain grievances with regard to online transfer policy for Junior Engineers/Junior Engineer I/Field dated 13.10.2020 (Annexure P-3), which has been followed by a letter dated 12.12.2020 (Annexure P-6) issued by Superintending Engineer (Administration), Dakshin Haryana Bijli Vitran Nigam Ltd., Hisar-respondent No.3, whereby the Junior Engineers have been directed to submit their option for transfer in pursuance of the online transfer policy dated 13.10.2020. Petitioner-association has made a grievance with regard to its representations having been submitted and not taken into consideration prior to the implementation of the said policy. Reference in this regard has been made to the representations made by the petitioner-association.

Learned Advocate General, Haryana, has put forth a suggestion and rightly so that the representations submitted by the petitioner-association shall be duly considered and a speaking order passed thereon and till then, the policy in question will not be given effect to.

At this, learned counsel for the petitioner submits that a detailed comprehensive fresh representation will be submitted by the petitioner-association within a period of one week from today, which may be considered and a decision taken thereon.

This request made by counsel for the petitioner is acceptable to the Advocate General, Haryana, who states that in case such a representation is submitted by the petitioner-association within the time stipulated, the same shall be considered and a decision taken thereon and a speaking order passed. Prior to the decision on the said representation, the policy in question shall not be given effect to.

In the light of the above, the present petition is disposed of with liberty to the petitioner-association to file a representation within a period of one week, which, if submitted, shall be considered and decided by the respondents and prior thereto, the policy impugned dated 13.10.2020 (Annexure P-3) shall not be given effect to.”

Keeping in view the prayer made, the instant petition is disposed of in the same terms as in CWP-22197-2020.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

(GIRISH AGNIHOTRI)
JUDGE

23.12.2020

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Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No