

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

109

CWP-3675-2021

Decided on : 17.02.2021

Kamla Devi

... Petitioner

Versus

State of Haryana & others

... Respondents

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

Present: Mr.J.P.Jangu, Advocate, for the petitioner.

Mr.RKS Brar, Addl.A.G., Haryana.

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

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of directions for adjustment in the GSSS Sarai Alawardi, as per the letter dated 13/17.02.2020 (Annexure P-8) where the post was allegedly vacant, at that point of time. Further direction to decide the representations dated 14.11.2019, 27.12.2019 & 15.09.2020 (Annexures P-10 to P-12) has also been prayed for. Quashing of the letter dated 06.01.2020 (Annexure P-1) whereby one PGT (Geography), Smt.Ritu Dhillon had been adjusted at Sarai Alawardi is also sought without impleading her as a respondent.

The grouse of the petitioner who was posted at GGSSS, Haily Mandi, Gurugram (Zone 3) as PGT (Geography) is that she was transferred to GSSS, Gorouli Khurd, Gurugram (Zone 3) against the deemed vacancy on transfer of Nameeta Devi. She had joined on the said post on 22.08.2019 on account of the said employee getting a stay from this Court and thereafter, was relieved on 07.11.2019 (Annexure P-5). She was, thereafter, put in the office of District Education Officer, Gurugram and thereafter, adjusted on 14.12.2019 at GHS, Sikenderpur Badha, Gurugram (Annexure P-6). It is her case that on account of her merit, she is liable to be adjusted at Sarai Alawardi but Smt.Ritu Dhillon has been adjusted. Her grouse, as per the representation dated 15.09.2020 (Annexure P-12) is that on MIS, her place of posting was showing as Garouli Khurd which is a house rent station whereas she is working in Sikanderpur Badha which is a non house rent station causing her a financial

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loss of the HRA every month. Similarly, on account of being shown as working in Zone 2 benefits would not be given as she is working in Zone 3, on temporary adjustment basis. Thus, as per the said representation, request for the following relief has been made:

- “1. Send me to my previous place of posting allotted to me as per transfer drive 2019 on merit basis i.e. Garouli Khurd.
2. Adjust my working period from 15-11-2019 to till date as worked in zone-3 on MIS portal.
3. Adjust me to Sarai Alawardi or any other equivalent station of zone-1 or zone-2 before the transfer drive opens.”

Notice of motion.

Mr.Brar accepts notice on behalf of the State.

Accordingly, keeping in view the above, this Court is of the opinion that the petitioner has no indefeasible right, as such, to be adjusted at Sarai Alawardi but on account of the litigation which has been initiated by another employee, she has been prejudiced. The requests which have been made to respondents No.3 & 4 thus, can be looked into and acted upon in true earnestness.

Resultantly, the present writ petition is disposed of, by directing respondent No.3 to look into the said representation dated 15.09.2020 (Annexure P-12) and take affirmative action to whatever extent possible, within a period of 6 weeks from the receipt of a certified copy of this order.

FEBRUARY 17, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No