

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5875-2021

Date of Decision: March 12, 2021

GURMEET CHAHAL AND OTHERS

..... PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Jasbir Mor, Advocate
for the petitioners.

Ms. Rajni Gupta, Addl. AG., Haryana.

LISA GILL, J.

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

Petitioners have filed this petition for quashing condition no.9 of instructions dated 23.02.2021 (Annexure P-8), relating to transfer drive of Group D employees covered under Haryana Group D Employees (Recruitment and Condition of Service) Act, 2018. The petitioners had been selected for the posts under group D in 2018. They were selected and appointed on different posts in group D in various Departments. In view of numerous requests received from candidates who had been selected, for change of their Department and/or post, respondent-State decided to afford an opportunity to the said newly selected candidates to change their

department/post by affording a one time opportunity. Circular/instructions in this regard were issued on 24.06.2019 (Annexure P-2) and 09.12.2019 (Annexure P-4).

Petitioners, admittedly participated in the said drive and they were appointed with/at the department/post of their choice. Respondent-State has now issued circular dated 23.02.2021 to afford an opportunity to the subsequently recruited Group-D employees, for a change of their post and/or department on the grounds of technical/educational qualification, in view of numerous requests received from them. As per Clause 9 of circular dated 23.02.2021, employees who have already been transferred in the previous reallocation drive, would not be entitled to participate in this transfer drive. Aggrieved therefrom present writ petition has been filed.

Learned counsel for the petitioner has argued that present is a transfer drive and not reallocation. Moreover, in view of the amendment carried out in the Haryana Group D Employees (Recruitment and Condition of Service) Act, 2018, whereby all the Group-D posts would form a common cadre, the petitioners should be permitted to participate in this transfer drive again.

I have heard learned counsel for the petitioners and have gone through the file.

I do not find any ground whatsoever to quash condition no.9 in the circular dated 23.02.2021, which reads as under:-

‘The employees who have already been transferred in the previous re-allocation drive will not be entitled to participate in this transfer drive.’

Learned counsel for the petitioner is unable to deny that a bare reading of the circulars Annexure P-2, P-4 and P-8 reveal that the object thereof is to afford a one time opportunity to the newly recruited Group D employees in regard to change of their post and/or department on the grounds of technical/educational qualification. The petitioners have admittedly availed the opportunity afforded to them after their recruitment in terms of circular/instructions dated 24.06.2019 and 09.12.2019. Learned counsel for the petitioners fairly accepts that reallocation was carried out and departments of the petitioners were changed/reallocated as per their requests. In the given factual matrix, there is no occasion whatsoever for affording them another opportunity for the same purpose. Merely use of the term ‘transfer drive’ in circular dated 23.02.2021 cannot vest the petitioners with any right to reallocation/transfer yet again.

Accordingly, this writ petition being devoid of any merit is dismissed.

March 12, 2021

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No