

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

**CWP-9104-2021 (O&M)
Date of decision : 28.04.2021**

Devender Singh

... Petitioner(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Pardeep Kumar Sehrawat, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari quashing the cancellation of the transfer order dated 16.04.2021 (Annexure P-2).

Learned counsel for the petitioner would contend that vide order dated 08.02.2021 (Annexure P-1) the petitioner was transferred against a vacant post from Government College for Women, Gohana to Government College for Women, Murthal and the petitioner joined the said post in pursuance to the order dated 08.02.2021 (Annexure P-1). Thereafter, within a period of two months of the order of transfer, an order dated 16.04.2021 has been passed cancelling the said transfer order dated 08.02.2021 without any reasons being stated in the said order. Learned counsel for the petitioner would contend that a representation dated 20.04.2021 (Annexure P-4) has

been sent to respondent No.2, however the same has neither been considered nor any decision has been taken on the same. Learned counsel for the petitioner further refers to Clause 4(iv) of the Transfer Policy 2020 of Assistant/Associate Professors in Government Department of Higher Education, Haryana. As per the said Clause, every Assistant/Associate Professor completing 05 years continuous stay in a particular Government College shall be transferred compulsorily and the post will be treated as vacant. He further states that the petitioner has only completed two months at the said posting and now he has been shifted therefrom.

Notice of motion.

On the asking of the Court, Ms. Upasana Dhawan, AAG Haryana has put in appearance through video conferencing and accepts notice on behalf of the respondents. She, on instructions from Mr. Ankit, Legal Assistant, Department of Higher Education, Haryana, has stated that as per Clause 9 of the Transfer Policy 2020, any Assistant/Associate Professor, in case of any discrepancy, can represent to the Competent Authority within 07 days of issuance of orders and the same shall be considered in accordance with the Transfer Policy 2020 and appropriate decision shall be conveyed to him within a period of 15 days. Since a representation dated 20.04.2021 (Annexure P-4) has already been filed by the petitioner, the same shall be considered in accordance with Clause 9(iii) of the Transfer Policy 2020 and a decision shall be conveyed within a period of 15 days.

I have heard learned counsel for the parties.

The grievance of the petitioner in the present case is that having been transferred on 08.02.2021, the said transfer order has been cancelled within 2 months vide order dated 16.04.2021 without affording him an opportunity of hearing and without considering his representation dated 20.04.2021 which he has filed as per clause 9(iii) of the Transfer Policy 2020. Learned counsel for the State has also made a statement that the said representation filed by the petitioner has been received by them and the same would be considered in accordance with the Transfer Policy 2020 and an appropriate decision would be conveyed to the petitioner within a period of 15 days.

In view of the stand taken by the learned counsel for the State and without commenting on the merits of the case, the present petition is disposed off with a direction to respondent No.2 to take a decision, in accordance with law and as per Clause 9(iii) of the Transfer Policy 2020, on the petitioner's representation dated 20.04.2021, and convey the decision thereon to the petitioner within a period of 15 days.

Till the said decision is taken and conveyed to the petitioner, the order dated 16.04.2021 (Annexure P-2) shall remain in abeyance.

April 28, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO