

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CWP No.22586 of 2020
Date of decision: 04.01.2021

Yogender Balhara

.....Petitioner

versus

State of Haryana and ors

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Sunil K. Nehra, Advocate for the petitioner.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner – Yogender Balhara, stated to be aged 33 years, has filed the present writ petition *inter alia* with a prayer to quash the impugned transfer order dated 17.08.2020 (Annexure P-4) and also the impugned order dated 09.12.2020 (Annexure P-6), with a further prayer for staying the operation of impugned orders dated 17.08.2020 (Annexure P-4) and 09.12.2020 (Annexure P-6).

Learned counsel for the petitioner submits that vide Annexure P1 dated 14.05.2020, Online Transfer Policy for Government Employees was notified. Learned counsel further submits that as per the said Policy, the petitioner applied with five options as mentioned in Transfer Choice (Annexure P-3). However, the grievance of the petitioner is that inspite the above, vide order dated 17.08.2020 (Annexure P-4), the petitioner was transferred to Tohana, which was not one of the five options given by him. Learned counsel then submits that the petitioner had filed

CWP No.12551 of 2020. While the said prayer was pending, in a separate writ petition i.e. CWP No.11324 of 2020, in which, the Division Bench of this Court vide order dated 04.09.2020 had recorded the statement of learned Advocate General, Haryana, to the effect that the said policy will not be given effect upto 30.11.2020. He also submits that accordingly the writ petition filed by the petitioner i.e. CWP No.12551 of 2020 was disposed of. Learned counsel further submits that accordingly, in view of the statement given by learned Advocate General, Haryana, the petitioner was allowed to rejoin and continue working at Ambala.

Now, in the present writ petition, the grievance of the petitioner is that vide order dated 09.12.2020, once again the original order of transfer policy dated 17.08.2020 has been ordered to be implemented. Learned counsel submits that the petitioner had submitted representation dated 11.11.2020 (Annexure P-10) in this regard, but the same has not been decided till date.

Notice of motion.

On the asking of Court, Ms. Safia Gupta, AAG, Haryana, accepts notice on behalf of respondents-State.

Learned counsel for the petitioner, at this stage, further submits that the two choices given by the petitioner (in pursuance to Online Transfer Policy) i.e. at Sr. No.1 and 2 of his request dated 29.07.2020 (at Ambala) are still lying vacant.

In view of the above and without commenting on the merits of the case, the present petition is disposed of with a direction to

respondents/Competent Authority, to consider the representation dated 11.11.2020 (Annexure P-10) and decide the same in accordance with law.

It is further directed that respondents while considering the request would also take into consideration the facts submitted by the learned counsel that two Sub Divisions mentioned by the petitioner in his request dated 29.07.2020 i.e. at Ambala are still vacant.

It is desired that the said consideration by the Competent Authority is undertaken within a period of four weeks from the date of receipt of certified copy of the order.

It is further directed that consequential order be passed within the time as aforementioned.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

04.01.2021

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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No