

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1596 of 2022 (O&M)

Date of Decision:10.02.2022

Raghvinder Singh

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Sandeep Thakan, Advocate
for the petitioner.

Mr. Samarth Sagar, Addl.AG., Haryana.

LISA GILL, J(Oral).

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

Prayer in this writ petition is for setting aside order dated 31.012.2021, Annexure P-3, to the extent that petitioner has been allotted the station at Ambala instead of Sonipat on his promotion.

It is submitted that the petitioner, who was earlier working on the post of Clerk at 12th Hat BN NCC Sonipat, had been given the additional charge of Assistant and he was discharging the duties thereof up to 31.12.2021, when he was promoted from the post of Clerk to Assistant. However, on his promotion he was posted at 12 Har BN NCC Ambala and respondent no.3 posted at Sonipat. It is submitted that out of the eleven (11) persons promoted to the post of Assistant almost all of them have been permitted to continue at the place where they were posted where the posts

were available. Petitioner has however, been shifted to Ambala only with a view to accommodate respondent no.3. Learned counsel submits that the petitioner has various familial problems as are detailed in representation dated 02.12.2021, Annexure P-4, submitted by him to the Director General Higher Education, Shiksha Sadan, Sector-5, Panchkula (Haryana). Learned counsel for the petitioner submits that in anticipation of his promotion, the petitioner had submitted a representation to the Director General, Higher Education, Shiksha Sadan, Sector-5, Panchkula (Haryana), that he be adjusted at Sonapat against the vacancy, in case of his promotion as Assistant and recommendation certificate from local Member of Parliament, Sonapat was also attached. However, the same was not even taken into account while posting the petitioner at Ambala. This action, it is submitted is in violation and contradictory to the guidelines of notification dated 13.02.2020, Annexure P-6, i.e., the General Principles for online transfer of employees.

The petitioner, it is submitted has not yet been relieved from the post till date. It is submitted that petitioner has thereafter approached the authorities for reconsidering the decision to post the petitioner at Ambala, but to no avail.

Notice of motion.

Mr. Samarth Sagar, Addl.AG., Haryana, accepts notice on behalf of the respondents. Advance copy of the writ petition stands supplied.

Heard learned counsel and have gone through the file. Keeping in view the nature of order being passed, there is no necessity of filing any reply.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition at this stage, is disposed of with a direction to the competent authority, to

consider this writ petition as a representation on behalf of the petitioner and decide the same, within a period of two weeks from the date of receipt of certified copy of this order.

10.02.2022

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

[LISA GILL]
Judge