

CWP-1065 of 2022 and other connected cases 1

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

109 & 110

Date of decision : 11.07.2022

CWP-1065 of 2022 (O&M)

SATYAWAN AND OTHERS

..... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

2.

CWP-18054-2021

VIKAS

..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

3.

CWP-2231-2022

VINOD SHOKEEN AND OTHERS

..... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

4.

CWP-1644-2022

SWATANTAR AND OTHERS

..... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

5.

CWP-3697-2022

PARVESH AND OTHERS

..... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

6.

CWP-1076-2022

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AMIT KUMAR AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
7.	CWP-2031-2022	
PROMILA AND ANOTHER		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
8.	CWP-2044-2022	
SUKHDEV AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
9.	CWP-1974-2022	
RAGHBIR SINGH AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND ANOTHER		 Respondents
10.	CWP-2094-2022	
PARDEEP KUAMR AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
11.	CWP-1949-2022	
MONIKA NEHRA AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
12.	CWP-2157-2022	
RAJ SINGH AND OTHERS		 Petitioners

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VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
13.	CWP-1250-2022	
PANKAJ AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
14.	CWP-1887-2022	
SAJJAN KUMAR AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
15.	CWP-1176-2022	
PARVEEN KUMAR AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
16.	CWP-2029-2022 (O&M)	
SHIV LAL AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND OTHERS		 Respondents
17.	CWP-1343-2022	
BHARTI AND OTHERS		 Petitioners
VERSUS		
STATE OF HARYANA AND ANOTHER		 Respondents
18.	CWP-1073-2022	
JOGINDER KUMAR AND OTHERS		 Petitioners
VERSUS		

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	STATE OF HARYANA AND ANOTHER	 Respondents
19.	CWP-1485-2022	
	VIRENDER KUMAR AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
20.	CWP-1280-2022	
	PROMILA MALIK AND ANOTHER	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
21.	CWP-1885-2022	
	BIMLA KUMARI AND ANOTHER	 Petitioners
	VERSUS	
	STATE OF HARYANA AND ANOTHER	 Respondents
22.	CWP-1796-2022	
	SITA AND ANOTHER	 Petitioners
	VERSUS	
	STATE OF HARYANA AND ANOTHER	 Respondents
23.	CWP-1701-2022	
	JATINDER SINGH AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
24.	CWP-1784-2022	
	MANDEEP KUMAR AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
25.	CWP-2046-2022	

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	DARSHAN SINGH AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
26.	CWP-24961-2021(O&M)	
	AMIT AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND ANOTHER	 Respondents
27.	CWP-27122-2021	
	AMITA RUHIL AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
28.	CWP-1853-2022	
	SONU AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
29.	CWP-2101-2022	
	RAMESH KUMAR AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND OTHERS	 Respondents
30.	CWP-1338-2022	
	VIKASH KUMAR AND OTHERS	 Petitioners
	VERSUS	
	STATE OF HARYANA AND ANOTHER	 Respondents
31.	CWP-25040-2021	
	SUNITA AND OTHERS	 Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Sanchit Punia, Advocate
for the petitioner in CWP No.18054 of 2021.

Mr. Jasbir Mor, Advocate
for the petitioners in CWP Nos.2231 and 1644 of 2022 and
CWP No.27122 of 2021.

Mr. Anil Kumar Sharma, Advocate
for the petitioners in CWP Nos.3697 & 1250 of 2022.

Mr. Sumit Sangwan, Advocate
for the petitioners in CWP No.1076 of 2022.

Mr. Anna Bansal, Advocate for
Mr. Keshav Gupta, Advocate
for the petitioners in CWP Nos.1338, 1343 and 1073 of 2022.

Mr. L. K. Gollen, Advocate and
Mr. Deepak Kumar Gollen, Advocate
for the petitioners in CWP No.2031 of 2022.

Mr. Vikram Sheoran, Advocate,
Mr. Anurag Sharma, Advocate and
Mr. Simer Pal Singh, Advocate
for the petitioners in
CWP Nos.2044, 2094, 2157, 1887, 1065, 2046, 1853, 2101 of
2022 and CWP No.25040 of 2021.

Mr. Anurag Goyal, Advocate
for the petitioners in CWP No.1949 of 2022.

Mr. Ankit Chahal, Advocate
for the petitioners in CWP Nos.1176 and 1885 of 2022 and
CWP No.24961 of 2021.

Mr. Tejpal Singh Dhull, Advocate
for the petitioners in CWP Nos.2029, 1796 and 1974 of 2022.

Mr. Sandeep Thakan, Advocate
for the petitioners in CWP Nos.1485 and 1784 of 2022.

Mr. Kamal Mor, Advocate
for the petitioners in CWP No.1280 of 2022.

Mr. Saurabh Bajaj, Advocate
for the petitioners in CWP-1701 of 2022.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

By this common order, the writ petitions, the details of which have been given in the heading, are being decided as all the writ petitions involve the same question of law based on similar facts.

Some of the grievance of the petitioners which have been raised in the present petitions are being noticed hereunder:-

The grievance which has been raised by the petitioners in the present writ petitions is with regard to the annual general transfers, which the respondents intend to effect in the Department of Education in respect of a cadre, to which the petitioners belong.

Learned counsel for the petitioners argue that in the present petitions the transfer policy is not under challenge but the implementation of the said policy in a particular manner by the respondents, which, according to the petitioners is incorrect, is under challenge.

Learned counsel for the petitioners argues that one of the grievance of the petitioners is that they are working in a District, which has been temporarily allotted to them and as the petitioners are working on a district cadre post and till they are regularly allotted a particular District, the transfer should not be effected. Learned counsel for the petitioners also argue that the allotment of the District on permanent basis, is to be done on the basis of seniority of the candidates, which issue at the moment, is in

dispute and is pending consideration before this Court. Learned counsel submit that in case, after the said dispute of seniority is decided by this Court, there might be changes in the District allotted to the petitioners, hence, if the District allotted to the petitioners as of now which is temporary allotment, is changed, same will result in the petitioners undergoing two transfers within a short span, which will cause prejudice to the petitioners and will also be against the transfer policy, which fact respondents should take into consideration while effecting the transfers.

Learned counsel for the petitioners further submit that in respect of the above noted argument, a particular affidavit has also been filed by the respondents before this Court, which should also be taken into consideration as to whether keeping in view the said affidavit, the transfer of petitioners should be effected now or not.

Another argument raised by some of the learned counsel on behalf of the petitioners is that in certain cases, petitioners are working in a District which has been permanently allotted to them but keeping in view the facts and circumstances of this case and the transfer policy, they have not completed the minimum required period, which is mandatory for considering the case of an employee for mandatory transfer, hence, they need to be exempted from consideration for effecting the transfer in the session 2022-23.

Learned counsel for certain petitioners also raised objections that the zone in which petitioners are posted at present, has not been described in their record in accordance with the policy. Learned counsel for the petitioners argues that keeping in view the description of the zone given in the policy, the schools in which the petitioners are actually discharging

the duties come under a different zone, then being described in the information provided in the Management of Information System qua the petitioners.

Learned counsel submit that the respondents need to correct the said information in their data before effecting the transfer for the session 2022-23.

Learned counsel appearing in CWP No.18054 of 2021 submits that the petitioner who is working as a Headmaster with respondents Education Department has a grievance that the petitioner was transferred in zone-II only on 06.11.2019 and is yet to complete the minimum required period for transfer but, the petitioner is being shown eligible for the mandatory transfer, which is incorrect and the contrary to the policy.

Learned State counsel very fairly submits that once the transfer policy is not under challenge and the grievance of the petitioners is only relating to implementation of the same in a particular manner, which according to them is contrary to the policy, the State has no objection in case, the petitioners represent to the Department concerned by raising the said issue and the said issue will be decided by the competent authority before effecting the transfers in pursuance to the transfer policy for the session 2022-23 by passing appropriate speaking order.

Learned counsel for the petitioners submit that the grievance of the petitioners stands redressed in view of the statement of learned State counsel and the petitioners will represent to the department raising their grievance as to why, they should not be considered eligible for the transfer in the general transfer for the session 2022-23 within a period of seven days from today.

Learned counsel for the respondents submits that the representation which will be received within a period of seven days from today, will be considered by the competent authority and appropriate order will be passed on the same and only thereafter, petitioners will be considered for transfers, if found covered under the policy.

Keeping in view the above, the present petitions are disposed of with the liberty to the petitioners to file appropriate representations raising their grievances before the respondents authority within a period of seven days from today i.e. upto 18th of July, 2022 upto 5 pm. In case, any of the petitioners raises grievance, as undertaken by learned counsel for the State, the said representation be considered by the competent authority in accordance with law and appropriate orders on the same be passed and it is only thereafter, the petitioners, if found covered under the transfer policy, they be considered for transfers. The present petitions are disposed of in the above terms.

It is made clear that appropriate order on the representation will be passed and conveyed to those making the representations before effecting the general transfer for the session 2022-23 in the education department.

Civil miscellaneous applications bearing No.CM-5421, 2105 and 36-CWP-2022 are disposed of.

A photocopy of this order be placed on the connected case files numbered above.

(HARSIMRAN SINGH SETHI)
JUDGE

11.07.2022
rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No