

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3817of 2020 (O&M)

Date of Decision:04.03.2022

Raj Bala

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Tejpall Singh Dhull, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG., Haryana.

LISA GILL, J(Oral).

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

Prayer in this writ petition is for quashing of order dated 19.12.2019, Annexure P-5, whereby order dated 04.11.2019, extending the deputation period of the petitioner by 120 days, has been set aside.

The petitioner, it is pleaded is working as JBT Teacher and was transferred to GPS Makrani, District Charkhi Dadri. She was working on deputation as JBT teacher at GPS Gandhi Nagar, Rohtak. Her deputation period was extended for 120 days against a vacant post at GPS Gandhi Nagar, Rohtak, vide order dated 04.11.2019. However, pursuant to

memo/instructions dated 19.12.2019, extension of deputation period was cancelled. Aggrieved therefrom, this writ petition was filed stating that order dated 04.11.2019, has been cancelled without even affording an opportunity of hearing despite the fact of the petitioner being physically handicapped to the extent of 50% besides being a war widow as well as the fact that posts are lying vacant at the place of posting in question.

Notice of motion was issued in this case on 12.02.2020 and it was directed that 'in the meantime, petitioner shall continue to work at GPS Gandhi Nagar, Rohtak'. As per the short reply filed on behalf of respondents no.1 to 4, it is specifically mentioned that in compliance of order dated 12.02.2020, deputation period of the petitioner has been extended vide order dated 11.03.2020. Petitioner, is continuing to work at the GPS, Gandhi Nagar, Rohtak, on the same terms and conditions as per order dated 04.11.2019. It is informed that the petitioner is still continuing to work at the said station due to interim order passed in this writ petition.

Learned counsel for the petitioner is unable to deny that as per order dated 04.11.2019, the deputation period was extended for a period of 120 days only. The said period has since long elapsed. Therefore, there is no question of the petitioner continuing on the said post under interim orders of this Court.

However, learned counsel for the petitioner, at this stage, submits that in terms of Para no.4 and 5 of memo dated 19.12.2019, the respondents should consider the petitioner's claim for transfer at the nearby schools, where the post on which the petitioner is working are still lying vacant.

Be that as it may, I find no ground for continuance of proceedings in the present writ petition. However, in case, a representation is

submitted by the petitioner within three days from the date of receipt of certified copy of this order, the same be decided by the Competent Authority, within next two weeks thereafter in accordance with the applicable provisions of law/instructions/regulations. Petitioner be permitted to continue at her present station till then. It is clarified that in case no representation is submitted by the petitioner within the specified period as above, there is no order for the petitioner being permitted to continue for two weeks.

Writ petition is accordingly disposed of.

04.03.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.