

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

142	CWP-19544-2022
Sunil Kumar and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
144	CWP-19612-2022
Bimla Sheoran	...Petitioner
Versus	
State of Haryana and another	...Respondents
145	CWP-19724-2022
Rekha Rani	...Petitioner
Versus	
State of Haryana and others	...Respondents
146	CWP-19753-2022
Janko Rani	...Petitioner
Versus	
State of Haryana and others	...Respondents
148	CWP-19771-2022

Sunita Malik

...Petitioner

Versus

State of Haryana and others

...Respondents

150

CWP-19783-2022

Anita Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

153

CWP-19811-2022

Wagish Kumar Duhan

...Petitioner

Versus

State of Haryana and others

...Respondents

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CWP-19832-2022

Vanita Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

162

CWP-19854-2022

Santosh Rani and another

...Petitioners

Versus

State of Haryana and others

...Respondents

164

CWP-19859-2022

Ram Niwas

...Petitioner

Versus

State of Haryana and others

...Respondents

165

CWP-19862-2022

Jasbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

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CWP-19896-2022

Kanta

...Petitioner

Versus

State of Haryana and others

...Respondents

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CWP-19906-2022

Raj Ahlawat

...Petitioner

Versus

State of Haryana and others

...Respondents

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CWP-19969-2022

Savita Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

Date of Decision :05.09.2022

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shalinder Mohan, Advocate for the petitioners
in CWP-19544-2022.

Mr. Anil Kumar Sharma, Advocate for the petitioner
in CWP-19811-2022

Mr. Vivek Arora, Advocate for the petitioner
in CWP-19771-2022.

Mr. Jawahar Lal Goyal, Advocate for the petitioners
in CWP-19753-2022.

Mr. Akshaydeep Singh Balyan, Advocate for the petitioner
in CWP-19612-2022.

Mr. Jagjeet Beniwal, Advocate for the petitioner
in CWP-19969-2022.

Mr. Anurag Goyal, Advocate for the petitioner
in CWP-19906-2022.

Mr. Manoj Chahal, Advocate for the petitioner (s)
in CWPs-19896, 19783-2022.

Mr. Rahul Deswal, Advocate for the petitioner
in CWP-19859-2022.

Mr. Jasbir Mor, Advocate for the petitioner(s)
in CWPs-19854, 19862-2022.

Mr. Satbir Singh Gill, Advocate for the petitioner
in CWP-19832-2022.

Mr. Pranav Chadha, Advocate for the petitioner

in CWP-19724-2022.

Mr. Harish Nain, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner(s) argues that while effecting the transfers in question, transfer policy has not been kept in mind by the respondent-department hence, the transfers of the petitioner(s) are contrary to the transfer policy and are liable to be set aside.

In one of the petitions, the grievance of the petitioner is that as per the judgment of a Coordinate Bench of this Court in **CWP-15108-2021** titled as **Vikran Singh and others vs. State of Haryana and others** decided on 24.08.2021, the respondents have to keep in mind minimum stay of 05 years of a teacher at a particular station but, the petitioner(s) have been transferred without completion of the said period of 05 years, which fact renders the order of transfer bad in law and contrary to the policy concerned.

Second grievance, which is being raised is that the teachers, who were having lower marks in merit as compared to some of the petitioners have been accommodated at the stations, which the petitioners opted for, which action of the respondents also renders the transfers in question bad in law as teachers having higher marks are to be given preference over the teachers having lesser marks in allotting stations hence, grievance of the petitioners needs to be redressed by the respondents keeping in view the transfer policy.

Third grievance of the petitioners is that the marks of the petitioners have not been correctly evaluated so as to be taken into

consideration for effecting the transfers.

Fourth grievance as raised is that CNV Teachers have been given preference over the TGTs on the ground that CNV is a district cadre, which is being disputed by the learned counsel for the petitioner(s) submitting that the CNV can not be considered as district cadre keeping in view the rules governing the service.

Fifth grievance as raised is that some of the facts which are concerning a particular petitioner, who is a widow and handicapped, have not been kept in mind while effecting the transfers whereas the policy concerned gives due weightage to the said fact while effecting the transfers.

Sixth grievance as raised by the petitioners is that the zones which were upgraded were not correctly reflected in the NIS Portal, which has caused prejudice to the petitioner.

Lastly, learned counsel for the petitioners submits that without considering the actual fact on the ground, a teacher has been declared surplus. As per learned counsel, even at a particular station where only one post exists and the students were already available, even the said post has been declared surplus, which act of the respondents have been contested by the Principal of the concerned school also but still the transfers have been effected.

Learned counsel for the petitioner(s) submits that they have already raised the grievance before the respondents concerned by way of filing appropriate representation and at this stage, the petitioner(s) will be satisfied in case a time bound direction is issued to the respondent-State to consider the said representations and pass an appropriate speaking order.

Notice of motion.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondent-State and submits that as the petitioners are raising dispute with regard to the non-adherence of various clauses of the policy, therefore, in case petitioners have already filed a representation or if they file any representation with the respondents within a period of two days from today, the same will be considered in accordance with law by the respondents and an appropriate speaking order will be passed within a period of 07 days thereafter. In case after the decision, it is found that the petitioners are entitled for any relief, the same will be extended to them.

Learned counsel for the petitioner(s) submits that keeping in view the statement of the learned State counsel, the present petition(s) may kindly be disposed off having been not pressed any further but prays that keeping in view the fact that the respondents have agreed to look into the grievance of the petitioners, the petitioner(s) be allowed to continue at their present place of posting so that in case their claim is accepted by the respondents, they do not suffer harassment of shifting base again.

Learned State counsel opposes the said prayer of the learned counsel for the petitioner(s).

Keeping in view the above, the present petitions are disposed off having been not pressed any further.

It is directed that the respondents will abide by the undertaking as recorded hereinabove and further till the representation(s) are decided by the respondent-department, in case the petitioners have not been relieved so far, they be allowed to continue at their present place of posting so that in case claim of the petitioner(s) is accepted by the respondents, they do not suffer harassment or prejudice. It is made clear that in case claim of the

petitioner(s) is not accepted by the respondents, the petitioners will be bound to comply with the order of transfer so as to join at their new place of posting.

In case, after the decision of the respondents, the petitioner(s) feel aggrieved, they will be at liberty to avail an appropriate remedy available with them for the redressal of their grievance.

A photocopy of this order be placed on the files of connected cases.

September 05, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No