

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(130)

CWP-20104-2022

Date of Decision : September 06, 2022

Krishan Kumar and another

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Singh Mor, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioners 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 petitioners are contrary to the transfer policy and are liable to be set aside.

Learned counsel for the petitioners submits that they have already raised the said grievance before the respondents concerned by way of filing appropriate representations as Annexures P-11 to P-13 and at this stage, the petitioners 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, the representations as Annexures P-11 to P-13 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 petitioners submits that keeping in view the statement of the learned State counsel, the present petition 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 petitioners 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.

Keeping in view the above, the present petition is 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 representations 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 petitioners is accepted by the respondents, they do not suffer harassment or prejudice. It is made clear that in case claim of the petitioners 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 petitioners

feel aggrieved, they will be at liberty to avail an appropriate remedy available with them for the redressal of their grievance.

September 06, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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