

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CWP-20100-2022

Date of Decision : September 06, 2022

Ram Kishan

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

HARSIMRAN SINGH SETHI J. (ORAL)

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

Learned counsel for the petitioner submits that the petitioner will file appropriate representation within a period of two days from today giving the details of the schools where the posts are lying vacant where he can be accommodated and the petitioner will be satisfied in case a time bound direction is issued to the respondent-State to consider the said representation 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 petitioner is raising dispute with regard to the non-adherence of various clauses of the policy, hence, in case petitioner filed any representation 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 petitioner is entitled for any relief, the same will be extended to him.

Learned counsel for the petitioner 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 petitioner, the petitioner be allowed to continue at their present place of posting so that in case his claim is accepted by the respondents, he does not suffer harassment of shifting base again.

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

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 representation is decided by the respondent-department, in case the petitioner has not been relieved so far, he be allowed to continue at the present place of posting so that in case claim of the petitioner is accepted by the respondents, he does not suffer harassment or prejudice. It is made clear that in case claim of the petitioner is not accepted by the respondents, the petitioner will be bound to comply with the order of transfer so as to join at the new place of posting.

In case, after the decision of the respondents, the petitioner feels aggrieved, he will be at liberty to avail an appropriate remedy available with them for the redressal of his grievance.

September 06, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No