

S.No.128

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

CWP No.20362 of 2022

Date of Decision:08.09.2022

Hariom Sharma and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Anil Kumar Sharma, Advocate
for the petitioners.

HARSIMRAN SINGH SETHI, J.

Learned counsel for the petitioners submits that the transfer orders, effected by the respondents with respect to the petitioner on 28.08.2022, a copy of which has been attached as Annexure P.9, have been passed in a manner which violate the transfer policy as well as creates an anomaly. Learned counsel for the petitioner further submits that according to the rules governing the service, the teachers, who have been posted in the place of the petitioners are not eligible to teach the students whom they will be teaching after their transfer.

Learned counsel for the petitioners further submit that the candidates who are lower in merit than the petitioners, have been given the station which station had been opted by the petitioners.

Learned counsel for the petitioners contend that the grievance qua the impugned order has already been raised by the petitioners vide representation dated 28.08.2022/29.08.2022 (Annexure P.10) which is still pending consideration with the respondents and the petitioners will be satisfied in case a direction is issued to the respondents to decide the same

by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents- State and raises no objection in deciding the representation dated 28.08.2022/29.08.2022 (Annexure P.10) in a time bound manner by passing an appropriate speaking order.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioners in the representation, respondents are directed to decide the representation dated 28.08.2022/29.08.2022 (Annexure P.10), by passing a speaking order within a period of next two weeks from the date of receipt of copy of this order.

Keeping in view the fact that the respondents have undertaken to look into the grievance of the petitioners as raised in their representation 28.08.2022/29.08.2022 (Annexure P.10), in case the petitioners have not been relieved from their present place of posting, it is directed that they be allowed to continue till the passing of the order on their representation. In case the prayer of the petitioners is accepted by the respondents, they be allowed to continue at the present place of posting failing which the petitioners will join the transferred place of posting forthwith.

September 08, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No