

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

144

CWP-20300-2022

Date of Decision :07.09.2022

Kiran

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Gaur, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner was posted at the present place after her promotion vide order dated 15.01.2020 and the petitioner was made to participate in the transfer drive keeping in view the note mentioned in her promotion order that petitioner will have to participate in the transfer drive for her regular posting, though, she has not completed minimum required period of 05 years at the current place of posting.

Learned counsel for the petitioner submits that while the petitioner participated in the transfer drive, she has opted for certain stations, which stations have not been allocated to her and the same have been allocated to the other teachers, who have lesser merit than the petitioner. Learned counsel for the petitioner further submits that there are certain posts in the nearby stations, which are lying vacant and the petitioner can be accommodated there by the respondents keeping in view the transfer

policy.

Notice of motion.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondent-State and submits that in case the petitioner has any grievance with regard to the fact that the candidates, who had lesser merit than the petitioner have been allocated station in preference to the petitioner or petitioner intends to be posted at a nearby station, where posts are lying vacant, the petitioner can file an appropriate representation with the respondent within a period of two days from today and in case any such representation is filed by the petitioner, the same will be decided in accordance with law by the respondent within a period of ten days from the date of receipt of said representation. In case after the decision, it is found that the petitioner is entitled for any relief, the same will be extended to her.

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 her present place of posting so that in case her claim is accepted by the respondents, she does 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 representation is decided by the respondent-department, in case the petitioner has not been relieved so far, she be allowed to continue at her present place of posting so that in case

claim of the petitioner is accepted by the respondents, she 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 her new place of posting.

In case, after the decision of the respondents, the petitioner feel aggrieved, she will be at liberty to avail an appropriate remedy available with her for the redressal of her grievance.

September 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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