

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

143

CWP-20280-2022

Date of Decision :07.09.2022

Sita Ram

...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.

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Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioner argues that the petitioner, who is working as TGT Sanskrit is also an Associate NCC Officer and as per the transfer policy, an Associate NCC Officer is not to be transferred and in case, it becomes administratively impossible to continue an Associate NCC Officer at the present place of posting, the transfer should be effected to a place, where a teacher is also able to discharge the duties of an Associate NCC Officer.

Learned counsel for the petitioner submits that the petitioner has been transferred despite the fact that he is an Associate NCC Officer and further he has been transferred to a place, where he cannot discharge the duties of an Associate NCC Officer. Learned counsel for the petitioner further submits that the stations, where the petitioner could have discharged the duties of an Associate NCC Officer are still lying vacant and the same have been brought to the notice of the respondents by way of submitting

representation dated 16.08.2022 (Annexure P/5) but no action has been taken by the respondents so far to redress the grievance of the petitioner and the petitioner will be satisfied, at this stage, in case a time bound direction is issued to the respondent-State to consider and decide 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, therefore, representation dated 16.08.2022 (Annexure P/5) filed by the petitioner with the respondents will be considered in accordance with law by the respondents and an appropriate speaking order will be passed within a period of 10 days from the date of receipt of copy of this order. In case after the decision, it is found that the petitioners are 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 her present place of posting so that in case his claim is accepted by the respondents, he 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, he be allowed to continue at his 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 his new place of posting.

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

September 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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