

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

**CWP No. 9314 of 2016 (O&M)
Date of Decision: 27.04.2022**

Mahesh Kumar

..... Petitioner(s)

Versus

State of Haryana and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Dr. Kiran Pal Singh, AAG, Haryana.

LISA GILL, J.

This writ petition has been filed for setting aside order dated 05.05.2016 (Annexure P-5) wherein order dated 28.04.2016 (Annexure P-3), transferring the petitioner from Labhkari to Model Town, Karnal, was cancelled, allegedly without affording any opportunity of hearing and ignoring the policy regarding transfers.

Notice of motion was issued in this writ petition while noting contention on behalf of the petitioner, which is as under:-

“Learned counsel *inter alia* contends that the earlier transfer order dated 27.04.2016 (P-3) of the petitioner has wrongly been cancelled by the respondents, vide impugned order dated 05.05.2016 (P-5), as the earlier transfer order has been passed by taking in to account that the petitioner is suffering from chronic liver disease. Further the transfer of the petitioner is against the spirit of Government Policy and guidelines for transfer in case of husband, where wife is also posted in the same place, it will be desirable that both husband and wife will adjust to the nearby place (P-7). Learned counsel for the petitioner submits that the petitioner has not been relieved so far.”

Operation of the impugned order dated 05.05.2016 was also stayed. Reply has been filed on behalf of respondents no.1 to 3 and 5 stating therein that petitioner had furnished his medical certificate regarding chronic disease, therefore, he was adjusted by the District Elementary Education Officer accordingly. Medical certificate for chronic disease was valid for only two years from the date of issuance and it was not renewed or re-issued. Moreover, petitioner, it is submitted never uploaded his information on the MIS portal, due to which benefit which may have been due to him as per the applicable Policy, could not be afforded.

Learned counsel for the State while referring to the reply filed on behalf of the respondents, submits that case of petitioner shall be duly considered in terms of the Teachers Transfer Policy, and due consideration shall be there regarding the merit criteria provided in Clause 7 of the said Policy, specifically in respect to Clause 7(iii) and benefit as are available under this Transfer Policy.

In this view of the matter, there is no justification in continuation of the proceedings in this matter. This writ petition is disposed of in view of the assertions of learned counsel for the State to the effect that applicable provisions shall be duly taken into consideration at the time of any transfer to be effected qua the petitioner.

(Lisa Gill)
Judge

27.04.2022
Sunil

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