

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

Sr. No.313

CWP No.20684 of 2022

Date of Decision: 14.09.2022

Manoj Kumar

.... 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.

Mr. Vivek Saini, Addl. A.G.Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the petitioner has raised grievance qua notice dated 11.09.2022 by which 467 Guest Teachers, whose posts were declared vacant but were not offered to any one and it was decided to allow those Guest Teachers to continue at their place of posting on the ground that the same violated the provisions of the transfer policy as well as directions issued by Coordinate Bench of this Court on 10.11.2017 in **CWP No.17240 of 2016** titled as **Anand Kumar versus State of Haryana and others.**

After notice of motion, the respondents have stated that the said notice has already been withdrawn by an order dated 12.09.2022 and therefore, the grievance being raised by the petitioner no longer exists.

Learned counsel for the petitioner submits that though the said notice has been withdrawn but nothing has come on record as to how these 467 posts where Guest Teachers are working, are to be filled up now.

Learned counsel for the respondents submits that as per his instructions, these 467 posts which are to be treated as “kept vacant” posts as per the transfer policy and are not to be filled up. Learned counsel for the respondents submits that still an appropriate decision with regard to the filling up of these 467 posts or to keep them vacant will be taken by the government within a period of next two weeks and in case, it is decided that these 467 posts need to be filled up keeping in view the number of students, the appropriate order will be passed giving opportunity to all concerned who are eligible to compete for these posts as well.

At this stage, learned counsel for the petitioner submits that there is another grievance which directly concern the petitioner that he has not completed the minimum required period at the present place of posting but still he has been transferred by the impugned order outside his cadre, which is not permissible, hence, the transfer of the petitioners is contrary to the directions issued by Coordinate Bench of this Court in **CWP No.15108 of 2021** on 24.08.2021, titled as **Vikram Singh and others versus State of Haryana and others.**

Learned counsel for the petitioner further submits that even otherwise, there are certain posts which are lying vacant in the vicinity of present place of posting of the petitioner, where the petitioner could have been adjusted, hence, the transfer of the petitioner having been effected by the respondents 06.09.2022, is liable to be reviewed.

Learned counsel for the respondents submits that in case the petitioner has already raised or raises the said grievance by way of filing an appropriate representation within a period of two days from today, an

appropriate order will be passed by the competent authority on the same within a period of 10 days from today and in case, the petitioner has not been relieved till today from the present place of posting then he will be allowed to continue at the present place of posting till the decision of the said representation and in case, the petitioner has already been relieved from the present place of posting, he will not be forced to join at the new place of posting till the decision of the said representation.

Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, the present petition may kindly be disposed of as having been not pressed any further with liberty to the petitioner to approach the respondents by filing appropriate representation raising the grievance as raised in the present petition.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

14.09.2022
Maninder

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