

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(136)

CWP-21090-2022

Date of Decision : September 15, 2022

Manoj Kumar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Singh Duhan, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner, who is working as TGT Physics 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 his posting, the transfer should be effected only 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.

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 a particular clause of the policy, hence, in case, the petitioner files any representation upto Monday i.e. 19.09.2022, the said representation 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 petitioner is entitled for any relief, the same will be extended to him.

Learned counsel for the respondents further submits that in case the petitioner has not been relieved from the present place of posting, he will be allowed to continue at the same station till the decision of the representation if filed and in case, he is relieved, he will not be forced to join the new place of posting till the decision of the 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 having been not pressed any further.

Ordered accordingly.

September 15, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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