

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

Date of Decision: 16.09.2022

1) Sr. No.115 CWP-21171-2022

Sunil Kumar Petitioner
Versus
State of Haryana and others ... Respondents

2) Sr. No.119 CWP-21211-2022

Sunita Malik Petitioner
Versus
State of Haryana and others ... Respondents

3) Sr. No.125 CWP-21239-2022

Sumitra Devi Petitioner
Versus
State of Haryana and others ... Respondents

4) Sr. No.127 CWP-21260-2022

Suresh Kumar Petitioner
Versus
State of Haryana and others ... Respondents

5) Sr. No.130 CWP-21288-2022

Shashi Bala Petitioner
Versus
State of Haryana and another ... Respondents

6) Sr. No.131 CWP-21290-2022

Ish Kumari Petitioner
Versus
State of Haryana and another ... Respondents

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7) Sr. No.133 CWP-21293-2022		
Raj Kumar	Versus	 Petitioner
State of Haryana and others		... Respondents
8) Sr. No.134 CWP-21296-2022		
Ashok Kumar and others	Versus	 Petitioners
State of Haryana and others		... Respondents
9) Sr. No.135 CWP-21303-2022		
Ashwani Kumar	Versus	 Petitioner
State of Haryana and others		... Respondents
10) Sr. No.136 CWP-21304-2022		
Vijayta Malik	Versus	 Petitioner
State of Haryana and another		... Respondents
11) Sr. No.137 CWP-21313-2022		
Meenakshi and others	Versus	 Petitioners
State of Haryana and others		... Respondents
12) Sr. No.138 CWP-21316-2022		
Satpal	Versus	 Petitioner
State of Haryana and others		... Respondents
13) Sr. No.139 CWP-21317-2022		
Pardeep Singh and others	Versus	 Petitioners
State of Haryana and others		... Respondents

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14) Sr. No.140	CWP-21318-2022	
Priyanka Sharma and others	Versus	 Petitioners
State of Haryana and another		... Respondents
15) Sr. No.141	CWP-21320-2022	
Shaveta Sharma	Versus	 Petitioner
State of Haryana and others		... Respondents
16) Sr. No.142	CWP-21322-2022	
Usha Kumari	Versus	 Petitioner
State of Haryana and others		... Respondents
17) Sr. No.144	CWP-21326-2022	
Bina Kumari	Versus	 Petitioner
State of Haryana and another		... Respondents
18) Sr. No.145	CWP-21327-2022	
Parmod Choudhary and others	Versus	 Petitioners
State of Haryana and others		... Respondents
19) Sr. No.146	CWP-21328-2022	
Karamvir	Versus	 Petitioner
State of Haryana and another		... Respondents
20) Sr. No.147	CWP-21329-2022	
Saroj Bala	Versus	 Petitioner
State of Haryana and another		... Respondents

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21) Sr. No.148	CWP-21330-2022	
Suman Rani	Versus	 Petitioner
State of Haryana and another		... Respondents
22) Sr. No.149	CWP-21331-2022	
Rajan and others	Versus	 Petitioners
State of Haryana and others		... Respondents
23) Sr. No.150	CWP-21333-2022	
Mohan Lal and others	Versus	 Petitioners
State of Haryana and another		... Respondents
24) Sr. No.151	CWP-21336-2022	
Sanjay Kumar	Versus	 Petitioner
State of Haryana and another		... Respondents
25) Sr. No.152	CWP-21339-2022	
Suman	Versus	 Petitioner
State of Haryana and another		... Respondents
26) Sr. No.153	CWP-21341-2022	
Shamsher Singh and others	Versus	 Petitioners
State of Haryana and another		... Respondents
27) Sr. No.154	CWP-21342-2022	
Khushwinder Kaur	Versus	 Petitioner
State of Haryana and others		... Respondents

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28) Sr. No.155	CWP-21343-2022	
Sumit Kumar	Versus	 Petitioner
State of Haryana and others		... Respondents
29) Sr. No.156	CWP-21346-2022	
Sonia Kundu and another	Versus	 Petitioners
State of Haryana and others		... Respondents
30) Sr. No.157	CWP-21348-2022	
Poonam Rani	Versus	 Petitioner
State of Haryana and others		... Respondents
31) Sr. No.158	CWP-21350-2022	
Rakesh Malik	Versus	 Petitioner
State of Haryana and others		... Respondents
32) Sr. No.159	CWP-21352-2022	
Sushma Kumari	Versus	 Petitioner
State of Haryana and others		... Respondents
33) Sr. No.160	CWP-21353-2022	
Surinder Singh and others	Versus	 Petitioners
State of Haryana and others		... Respondents
34) Sr. No.161	CWP-21354-2022	
Kavita and others	Versus	 Petitioners
State of Haryana and others		... Respondents

35) Sr. No.162 CWP-21356-2022

Rakesh and others

.... Petitioners

Versus

State of Haryana and others

... Respondents

36) Sr. No.164 CWP-21381-2022

Sushma

.... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishal Nehra, Advocate
for the petitioner in CWP-21171-2022.

Mr. Vivek Arora, Advocate
for the petitioner in CWP-21211-2022.

Mr. Mukesh Kumar Sharma, Advocate
for the petitioner in CWP-21303-2022.

Mr. K.S.Godera, Advocate
for the petitioner in CWP-21260-2022.

Mr. Sunny Singla, Advocate
for the petitioner in CWP-21342-2022.

Mr. Kamal Mor, Advocate
for the petitioners in CWP-21293-2022, CWP-21346-2022,
CWP-21348-2022 and CWP-21350-2022.

Mr. Saurabh Dalal, Advocate
for the petitioner(s) in CWP-21328-2022 & CWP-21381-2022.

Mr. Parveen Kumar Rohilla, Advocate
for the petitioner in CWP-21320-2022.

Ms. Sushma, Advocate for
Mr. V.K.Yadav, Advocate
for the petitioner in CWP-21352-2022.

Mr. Azad Khan, Advocate,
Mr. Mazlish Khan, Advocate and
Mr. Nitin Khan, Advocate
for the petitioner in CWP-21239-2022.

Mr. Anshul Gupta, Advocate
for the petitioners in CWP-21296-2022 and CWP-21341-2022.

Mr. Vineet Jakhar, Advocate and
Mr. Gurminder Singh, Advocate
for the petitioners in CWP-21331-2022 and CWP-21354-2022.

Mr. Sandeep Goyat, Advocate
for the petitioner(s) in CWP-21288-2022 & CWP-21290-2022.

Mr. Jasbir Mor, Advocate
for the petitioners in CWP-21313-2022 and CWP-21317-2022.

Mr. Anil Kumar Bhardwaj, Advocate,
Mr. Kuldeep Sharma, Advocate
for the petitioner in CWP-21316-2022.

Mr. V.P.Sangwan, Advocate
for the petitioners in CWP-21318-2022.

Mr. Inder Pal Goyat, Advocate
for the petitioner(s) in CWP-21304-2022 & CWP-21339-2022.

Mr. Shalender Mohan, Advocate
for the petitioner in CWP-21343-2022.

Mr. Sant Lal Barwala, Advocate
for the petitioners in CWP-21356-2022.

Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Brijesh Kumar, Advocate
for the petitioners in CWP-21353-2022.

Mr. Vikram Sheoran, Advocate
for the petitioners in CWP-21322-2022 and CWP21327-2022.

Mr. Sanchit Punia, Advocate
for the petitioner(s) in CWP-21329-2022 & CWP-21336-2022.

Mr. Tejpal Dhull, Advocate
for the petitioners in CWP-21326-2022, CWP-21330-2022 and
CWP-21333-2022.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, all the petitions, the details of which
have been mentioned in the heading, are being disposed of as all of them
involve similar question of law.

In the present bunch of petitions, the petitioners are challenging their transfer orders on several grounds which are enumerated as under.

The first ground as submitted by the learned counsel for the petitioner(s) is that the orders of transfers have been passed without going into the factual aspect that certain teachers who though have not completed the minimum tenure at the present place of posting, still they have been transferred, which transfer is contrary to the directions issued by a 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.**

The second ground raised is that certain teachers have been declared surplus even prior to their completion of minimum tenure at the present place of posting so as to transfer them to far off stations without ascertaining the fact that sufficient number of students exists at their present place of posting, hence, declaring of the petitioner(s) as surplus by the respondents is totally arbitrary and illegal so as to effect their transfers.

Third ground raised with respect to certain petitioner(s) is that the stations preferred by them are still lying vacant and are now being treated “kept vacant” by the respondents, however, at the time of seeking options, the said stations were open to be opted for, hence, the transfer of petitioner(s) to a station which was not preferred by them by not considering their claim for the opted station is totally arbitrary and illegal.

Fourth ground raised is that without looking into the family aspects of the petitioner(s), they have been given posting at far off places, which is causing prejudice to the petitioner(s) keeping in view the fact that the petitioner(s) are being paid a fixed salary and it will be difficult for them to survive at the transferred place of posting.

Fifth ground as raised is that the petitioner(s) were transferred on 28.08.2022, 12.09.2022 and 13.09.2022 and within a very short span of period several of them have been again transferred and that too without any valid reason, which is causing prejudice to the petitioner(s).

Sixth ground as raised is that the stations which were opted by some of the petitioner(s), have been given to the candidates who were having lesser merit than the petitioner(s), which is contrary to the provisions of transfer policy.

Lastly the contention raised by learned counsel for the petitioner(s) is that in case of certain petitioner(s), the station which was offered to them, was not allotted on the ground of non availability of the post at the opted station but the same has been given to another candidate subsequent to their transfer, which act of the respondents as submitted is arbitrary and illegal.

Notice of motion.

Mr. Harish Nain, Assistant Advocate General, Haryana accepts notice on behalf of the respondents and submits that the reasons for challenging the transfers being forwarded by the petitioner(s) are specific to them and in case, the petitioner(s) have already raised their grievances by filing of appropriate representation(s) or any representation is filed by the petitioner(s) upto Monday i.e.19.09.2022, the same shall be looked into by the competent authority within a period of 10 days from today by passing an appropriate speaking order.

Learned State counsel further submits that in case, the petitioner(s) have not been relieved till today from the present place of posting then they will be allowed to continue at the present place of posting

till the decision of the said representation(s) in case, the same are filed and in case, the petitioner(s) have already been relieved from the present place of posting, they will not be forced to join at the new place of posting till the decision of the said representation(s).

Learned counsel for the petitioner(s) submit that keeping in view the statement of the learned State counsel, the present petitions may kindly be disposed of as having been not pressed any further with liberty to the petitioner(s), who are yet to file the representation, to approach the respondents by filing appropriate representation(s) raising their grievance as raised in the present petitions.

Ordered accordingly.

A photocopy of this order be placed on the connected files.

(HARSIMRAN SINGH SETHI)
JUDGE

16.09.2022
Maninder

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