

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 20.09.2022

Sr. No.120 CWP-21630-2022

Mohini Singh

Versus

.... Petitioner

The State of Haryana and another

... Respondents

Sr. No.121 CWP-21635-2022

Ajay Kaushik

Versus

.... Petitioner

State of Haryana and others

... Respondents

Sr. No.122 CWP-21636-2022

Manju Bala

Versus

.... Petitioner

The State of Haryana and another

... Respondents

Sr. No.123 CWP-21648-2022

Sonia

Versus

.... Petitioner

State of Haryana and others

... Respondents

Sr. No.125 CWP-21660-2022

Seema Rani

Versus

.... Petitioner

State of Haryana and others

... Respondents

Sr. No.126 CWP-21689-2022

Reena

Versus

.... Petitioner

State of Haryana and others

... Respondents

Sr. No.127 **CWP-21691-2022**

Sangita Devi

Versus

.... Petitioner

State of Haryana and another

... Respondents

Sr. No.129 **CWP-21693-2022**

Vandana

Versus

.... Petitioner

State of Haryana and others

... Respondents

Sr. No.130 **CWP-21694-2022**

Archana Mangla and others

Versus

.... Petitioners

State of Haryana and others

... Respondents

Sr. No.131 **CWP-21696-2022**

Ram Kumar

Versus

.... Petitioner

State of Haryana and others

... Respondents

Sr. No.132 **CWP-21697-2022**

Rajbala

Versus

.... Petitioner

State of Haryana and another

... Respondents

Sr. No.133 **CWP-21707-2022**

Hari Om

Versus

.... Petitioner

State of Haryana and others

... Respondents

Renu Kumari

Versus

.... Petitioner

State of Haryana and others

... Respondents

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

Mayanaventi	Versus	 Petitioner
State of Haryana and another		... Respondents

Present: Mr. Manoj Chahal, Advocate
for the petitioner(s) in CWP-21630-2022 and CWP-21636-2022

Mr. Mohit Sharma, Advocate and
Mr. Babbar Khan, Advocate
for the petitioner(s) in CWP-21635-2022 and CWP-21693-2022

Mr. Anil Kumar Sharma, Advocate
for the petitioner in CWP-21648-2022.

Mr. Rohit Mittal, Advocate
for the petitioner in CWP-21660-2022.

Mr. Bhishm Singh, Advocate for
Mr. Brijender Kaushik, Advocate
for the petitioner in CWP-21689-2022.

Ms. Meenu Singla, Advocate
for the petitioner in CWP-21691-2022.

Mr. Tejpal Dhull, Advocate
for the petitioner in CWP-21697-2022.

Mr. Jasbir Mor, Advocate
for the petitioners in CWP-21694-2022.

Ms. Kushaldeep Kaur, Advocate
for the petitioner in CWP-21696-2022.

Mr. Amarjit Beniwal, Advocate
for the petitioner in CWP-21707-2022.

Ms. Nisha Malik, Advocate and
Mr. Vikram Sheoran, Advocate
for the petitioner(s) in CWP-21720-2022 and CWP-21726-2022

Mr. Saurabh Dalal, Advocate
for the petitioner in CWP-21735-2022.

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.

Seventh ground as raised is that without considering the aspect of the couple cases, which parameter has also been envisaged in the transfer policy and has to be kept in mind while issuing the transfer, has been ignored by the respondents and the couple have been transferred miles apart, which will disturb their married life.

Lastly the contention raised by learned counsel for the petitioner(s) is that in case of certain petitioner(s), the station which was opted by 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, if filed manually till Friday i.e. 23.09.2022, will also be accepted and 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 grievances as raised in the present petitions.

Ordered accordingly.

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

(HARSIMRAN SINGH SETHI)
JUDGE

20.09.2022
Maninder

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