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

CWP-27016-2019

Date of Decision: 03.08.2022

Pavan Kaur

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Deswal, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

Mr. S.K. Nehra, Advocate,
for respondent No.4.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the challenge is to order dated 13.09.2019 (Annexure P-10), passed by respondent No.2, vide which order, respondent No.4 has been re-engaged on the vacant post of Computer faculty at Government Senior Secondary School, Baliala, Fatehabad, wherein the petitioner is already working on the same post.

While issuing notice of motion on 20.09.2019, the operation of impugned order qua the petitioner was stayed by a co-ordinate Bench of this Court.

Learned State counsel submits that as of now, the petitioner and respondent No.4 are working in the same school, though there is not even a single sanctioned post available. Learned State counsel further submits that as both, i.e. the petitioner and respondent No.4, are claiming the same post

under the orders of this Court, therefore, the Department has not yet used its discretion to transfer either of them, but in case liberty is granted to the Department concerned by this Court, appropriate order will be passed in this regard.

Keeping in view the facts that the present petition was filed by the petitioner in the year 2019 and for the last approximately three years, both, i.e. the petitioner and respondent No.4, are working in the same school and that too, when there does not exist any sanctioned post, the present petition is disposed of with a direction to the respondents that claim of the petitioner and respondent No.4 to be retained at the place where they are actually working now be considered by the authorities concerned and appropriate order *re*: transfer of either petitioner or respondent No.4 be passed within a period of three weeks from the date of receipt of the copy of this order by giving a good and valid justification in this regard.

The stay granted by the co-ordinate Bench of this Court, vide order dated 20.09.2019, shall remain operative till the aforesaid fresh order is passed by the authorities concerned.

03.08.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No