

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121)

CWP-27713-2022

Date of Decision : December 02, 2022

Bharat Lal and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(123)

CWP-27721-2022

Sukhwinder Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjeev Kumar Aarya, Advocate, for the petitioners
in CWP No.27713 of 2022.

Mr. Karan Singh, Advocate, for the petitioner
in CWP No.27721 of 2022.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

In the present petitions, the grievance of the petitioners is that they are working as Guest Teachers and are now being threatened with dislocation from their present place of posting on the ground that the Guest

Teachers, who have been displaced so as to accommodate regular employees, are to be adjusted at their place, which is not at all envisaged in the transfer policy.

Learned counsel for the petitioners submits that the displaced Guest Teachers are to be accommodated at the places, which are vacant and are not to be adjusted, where other Guest Teachers are already working.

Learned counsel for the petitioner(s) submits that the petitioner(s) have already raised the said grievance by filing representations, copies of which have been attached with the present petitions and the petitioner(s) will be satisfied at this stage, in case a time bound direction is issued to the respondents to decide the said representations.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents submits that the representations of the petitioner(s), if already filed or submitted by the petitioner(s) within a period of three days from today, will be considered and decided within a period of eight weeks from the receipt of copy of this order.

Learned counsel for the petitioner(s) submit that once the respondents have undertaken to decide the grievance raised in the representations, in order to avoid the harassment, the petitioner(s) be allowed to continue at their present place of posting till the decision of the said representations so that in case, tomorrow their grievance is accepted, they are not uprooted again so as to cause further inconvenience to the teachers.

Keeping in view the above, it is directed that till the decision of representations already filed by the petitioner(s) or filed till Tuesday, petitioner(s) will be allowed to continue at the present place of posting. It is made clear that in case, petitioner(s) have already been relieved, they will be allowed to join back at the same place of posting till the decision.

It is made clear that this Court is not making any observation with regard to the legality or illegality of the transfer at this stage and the respondents will be free to decide the representations filed by the petitioner (s) in accordance with the facts of each case whether, the dislocation of the petitioner(s) is on account of joining of a regular employee or being surplus as informed to this Court by the learned counsel for the respondents keeping in view the information supplied by the department to the learned State counsel.

Both the writ petitions stand disposed of in above terms.

A photocopy of this order be placed on the file of other connected case.

December 02, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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