

CWP-2693-2019

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

**CWP-2693-2019 (O & M)
Date of decision: 24.01.2023**

Geeta

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sunil K. Nehra, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 23.01.2019 (Annexure P-2), vide which the petitioner was transferred from Government Industrial Training Institute for Women, Hisar, to the Government Industrial Training Institute for Women, Bhiwani.

Learned counsel for the petitioner contends that the petitioner is posted as a Surface Ornamentation Technique Embroidery Instructor, at Hisar; that vide impugned order, the petitioner was transferred from Hisar to Bhiwani, but without considering the fact that her husband is working as a Clerk in the Haryana State Roadways, Hisar Depot, Hisar, as would decipher from the certificate (Annexure P-1), and that the post of the husband of the petitioner is non-transferable. Learned counsel further contends that the petitioner had not made any request for mutual transfer.

Learned counsel for the petitioner contends that being a couple

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case, the petitioner is to be posted at the same place where her husband is posted. Learned counsel further contends that in the reply, the officials respondents have taken a stand that there was no official record to show that the case of the petitioner is that of a couple/spouse case, and that however in her employee detail submitted online, the petitioner had duly mentioned that her husband was a government employee.

Learned counsel for the petitioner contends that Clause 2(ix) of the transfer policy dated 19.07.2018, introduced by the State of Haryana, specifically provides that request for transfer to join an employee spouse, either at the same station or at nearby station, would be considered.

On the other hand, learned State counsel submits that the petitioner was transferred from Hisar to Bhiwani, due to some administrative reasons and in public interest to achieve efficiency in public administration in view of Rule 6 of the Transfer Policy dated 19.07.2018.

I have heard heard the learned counsel for the parties.

The husband of the petitioner is posted as a Clerk in the Haryana State Roadways, Hisar Depot, Hisar. *Prima facie*, it appears that vide impugned order, the petitioner was transferred from Hisar to Bhiwani, without considering the posting of her husband at Hisar. Even the official respondents in the written statement have denied the factum of couple case of the petitioner. However in the replication, it is the categorical stand of the petitioner that her husband is a State Government employee, as mentioned in her employee detail submitted online.

Moreover, Clause 2(ix) of the transfer policy dated 19.07.2018 would read as under:

“(ix) Posting with an employee spouse (including Central Govt. Employee): as far as practicable, request for transfer to join an employee spouse, either at the same station or at nearby station will be considered. In the event of tie among the same category of employees spouses, lady employee shall be given preference over male employee.”

The aforesaid clause provides that request for transfer to join an employee spouse, either at the same station or at nearby station, would be considered. However in the present case, this Court finds that the petitioner had been transferred from Hisar to Bhiwani without considering the fact that her husband is an employee of the State Government and is posted at Hisar.

In view of the above, the present petition is disposed of with a direction to the concerned authority to consider the transfer case of the petitioner in the general transfers to be effected in July, 2023, keeping in view the fact that her husband is an employee of the State Government, and is posted at Hisar.

However till then, operation of the impugned order dated 23.01.2019 (Annexure P-2) shall remain stayed and posting of the petitioner would not be disturbed.

24.01.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No