

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

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**CWP-29879-2017 (O&M)
Date of Decision: 30.01.2023**

RAM GIRI

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Petitioner present in person in Court.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the transfer order dated 03.11.2017, vide which the petitioner has been transferred from Government Senior Secondary School, Sector-7, Panchkula to Government High School Girawar, District Sirsa, being in violation of the provisions of transfer policies dated 29.06.2016 and 05.06.2017 (Annexures P-1 and P-2). Further prayer is to direct the respondents to release the salary of the petitioner w.e.f. September, 2017 with interest @12% p.a.

Learned State counsel, on the instructions from Dalbir Singh, Administrative Officer, submits that the petitioner was temporarily adjusted in Government Senior Secondary School, Sector-7, Panchkula. She further submits that the petitioner was required to update her MIS Portal/Profile and IT Cell regularly and that for the purpose of updating the MIS Portal, the petitioner was called in the Office, where she demanded laptop and printout of her service profile, which were

immediately provided to her but despite that, she did not update her profile. Still further, it is submitted that since the year 2017, 4-5 transfer drives have taken place, but the petitioner did not participate in any of the said drive.

Learned State counsel further submits that as far as the claim of the petitioner with regard to release of salary is concerned, the same has been already released till December, 2022. She further submits that the petitioner is still working in Government Senior Secondary School, Sector-7, Panchkula.

The petitioner submits that she has already updated her MIS Profile and is regularly updating the same. She, however, has denied the receipt of salary till December, 2022.

At this stage, learned State counsel on further instructions from Dalbir Singh, Administrative Officer, submits that the respondent-Department is ready to consider the case of the petitioner for transfer, afresh.

I have heard the learned counsel for the parties.

Notice of motion in the present writ petition was issued vide order dated 22.12.2017 passed by a Coordinate Bench of this Court and operation of the impugned order was also stayed. More than five years have elapsed since then. Under the guise of the said stay order, the petitioner is stated to have not updated her MIS portal and her case for transfer could also not be taken up by the authorities during the last 4-5 transfer drives.

The petitioner has challenged the transfer order dated

03.11.2017. In the considered opinion of this Court, the said order has become ineffective, due to lapse of more than five years' period. Considering the equity principles as well, post passing of the order dated 03.11.2017, the petitioner has remained posted at Panchkula for more than five years and is still posted there. The petitioner cannot seek her posting at a particular place and the authorities, while passing the order of her posting, are to take into consideration the exigencies of duties and the interests of the students.

Considering the totality of the facts and circumstances of the case, this Court finds that the ends of justice would be fully met, if the present petition is disposed of with a direction to the authorities concerned to pass a fresh transfer order qua the petitioner, after giving her a personal hearing.

In view of the above, the present petition is disposed of with a direction to Additional Chief Secretary, Government of Haryana, to afford an opportunity of hearing to the petitioner and then pass a fresh transfer order qua the petitioner, sympathetically, as per Rules.

The petitioner is directed to appear before the Additional Chief Secretary, Government of Haryana, within 15 days of the receipt of the certified copy of this order and upon her doing so, the Additional Chief Secretary, Government of Haryana, would do the needful. During such process, non-updating of MIS portal by the petitioner, shall be ignored.

30.01.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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