

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

(237)

CWP-36334-2019

Date of Decision : January 15, 2024

Amit Kumar**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Rahul Chauhan, Advocate, for
Mr. Rajat Mor, Advocate, for the petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that he was selected as a Clerk and was appointed in the Department of Secondary Education, Haryana.

2. Learned counsel for the petitioner submits that during the appointment, an option was given to the petitioner to get transfer to the Department of Higher Education, Haryana, which option was exercised but as the petitioner was not relieved immediately, he had changed his mind of being transferred from the Department of Secondary Education, Haryana to Higher Education Haryana and even as of now, he is continuing in the Department of Secondary Education Haryana where the petitioner intends to continue.

3. Learned counsel for the respondents submits that once the petitioner has opted to go in the Department of Higher Education Haryana, which order has already been passed hence, now the petitioner cannot be

allowed to regail out of his own option so as to remain in the Department of Secondary Education Haryana.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, after the appointment, the petitioner was appointed in the Department of Secondary Education Haryana on which post, he is continuing till now, the respondents should have no objection to allow the petitioner to continue in the said Department.

6. The argument of the learned counsel for the respondents that the petitioner had opted for change of his Department when the options were given to the other employee so as to move to the Department of Higher Education Haryana, it may be noticed that upon exercising of the said option, the petitioner was not transferred immediately and thereafter, the petitioner in reconsideration of his decision conveyed to the respondents to allow him to continue in the Department of Secondary Education Haryana, now the respondents should not insist that the petitioner needs to be transferred to the Department of Higher Education Haryana.

7. Keeping in view the above, it is directed that in case the petitioner is continuing in the Department of Secondary Education Haryana, he be allowed to continue the same and should not be forced to change to the Department of Higher Education Haryana.

8. The present writ petition is disposed of in above terms.

January 15, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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