



CWP-14733-2025 (O&M)

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

**CWP - 14733-2025 (O&M)
Date of Decision: 26.05. 2025**

SHYAM SUNDER YADAV AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil K. Nehra, Advocate and
Mr. Rahil Mahajan, Advocate
for the petitioners.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

Application CM-8168-CWP-2025 is allowed, and the amended writ petition is taken on record.

2. The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the transfer order, dated 19.05.2025, Annexure P-14, vide which the petitioners have been transferred in violation of the schedule dated 05.12.2024.

3. It is contended that the petitioners are working as Storekeeper in the respondent-Department, and are governed by the Online Transfer Policy,



dated 22.06.2022, Annexure P-2. As per clause 3 (c) thereof, the prescribed tenure for posting an employee at one place is five years, thereafter his/her post is declared vacant, and the employee has to compulsorily participate in the next transfer drive notified thereafter. However, after completion of one year service at the place of posting, the employee has an option to willingly participate in the transfer drive. None of the petitioners has completed his/her contemplated five years tenure at their present place of posting but decided to participate in the transfer drive initiated vide memo, dated 05.12.2024, Annexure P-3, which prescribed the following tentative schedule:

Sr. No.	Event	Committed date
1.	Date of Start of Process	11.12.2024
2.	Last Date of Service verification and Score Generation	31.12.2024
3.	Last Date of process for obtaining consent of employee	07.01.2025
4.	Last Date of Adding exempting employees process by department	10.01.2025
5.	Last Date of Rationalization/Blocking of post	17.01.2025
6.	Last Date of Choice filling by employees	27.01.2025
7.	Last Date of Generation of Provisional Transfer Order	31.01.2025
8.	Last Date of re-choice by employee (Anywhere)	07.02.2025
9.	Last Date of Final Transfer Order Generation	14.02.2025
10.	Cut-off date up to which Service verification is to be done	30.11.2024
11.	Period of Retirement to be considered	01.12.2024 to 31.03.2026
12.	Period of Marital status to be considered	01.12.2023 to 30.11.2024



3.1 Since the final transfer orders were to be generated by 14.02.2025, the petitioners decided to participate in the drive and gave their consent for the same. However, the respondents did not take any steps in furtherance thereof, nor completed the transfer drive by issuing final transfer orders on 14.02.2025, as laid down in the schedule. No further information in this regard was conveyed.

3.2 In these circumstances, the petitioners remained under the impression that the schedule has been abandoned/dropped and no further transfers in terms thereof will take place. Accordingly, they deposited annual school fees of their children for the next academic session at their present places of posting, which is quite an expense keeping in view the small salaries being earned by them.

3.3 All of a sudden, the Department issued memo dated 12.05.2025, Annexure P-9, in continuation of earlier memo dated 05.12.2024, asking the employees to give their choices or preferences in the transfer drive from 12.05.2025 to 14.05.2025. The petitioners represented against it vide letter dated 13.05.2025, which was not considered and the impugned transfer order dated 19.05.2025 was issued.

4. Learned State counsel submits that the tentative schedule of transfer issued on 05.12.2024, which was to be concluded by 14.02.2025, could not be adhered to because the process of rationalisation of posts was underway, and the model code of conduct had also been enforced on account of elections of Municipal Councils/Corporations. Therefore, the Department cannot be faulted for the same. She also contends that once an employee



gives his/her consent to participate in the transfer drive, his post is considered vacant for other employees to give their choice of stations against those particular posts.

5. In view of the facts aforementioned, this Court is *prima facie* of the view that the Department was required to comply with the tentative schedule for transfer issued vide memo dated 05.12.2024, and conclude the transfer drive on 14.02.2025 in terms therewith. In case it was not to be done for any valid reason, the concerned employees/petitioners should have been put to notice. Keeping mum without citing reasons made the petitioners believe the drive has been dropped. They changed their situations as well by depositing school fee for children, etc. and taking other such decisions. In these circumstances, the Department was expected to look into the petitioners' grievances and take the same in consideration before deciding to continue with the drive with a changed schedule.

6. In these circumstances, learned State counsel fairly submits that in case a fresh representation giving details of the hardships the petitioners have suffered on account of the schedule of transfer not having been followed, is filed by the them within a period of ten days from today, the matter will be reconsidered and decided by the second respondent-Director, Skill Development and Industrial Training Department, by taking a fresh look on the issue and passing a speaking/reasoned order thereupon in accordance with law, within a period of four weeks of receiving the representation.

7. In view of the statement made, learned counsel for the petitioners has no objection to the petition being disposed of in terms



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thereof.

8. Ordered accordingly.

26.05.2025
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(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>