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

CWP-22608-2025

Date of decision: 06.08.2025

Parveen Kumar and another

....Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raj Kumar Makkad, Advocate and
Mr. Himalaya Makkad, Advocate
for the petitioners.

Mr. Vikrant Pamboo, Additional A.G., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ in the nature of *mandamus* directing the respondents to permit the petitioners to participate under the protected category in the Online Transfer Drive, in accordance with Clause 5(iii)(a) and Clause 5(vi)(a) of the Model Online Transfer Policy, 2025.

2. Learned counsel for the petitioners *inter alia* contends that petitioner No.1 is having 80% of locomotor disability and he is covered under the category of Permanent person with Benchmark Disability (PwBD). Petitioner No.2 has undergone bypass surgery and his condition was assessed by the Medical Board constituted by the Civil Surgeon, Rohtak on 25.09.2024 as discernible from medical certificate (Annexure P-3). Both the petitioners belong to District Rohtak and the case of the petitioners is squarely covered by the circular No.45/7/89-GS-I dated 07.04.1989 on the subject of 'Transfer of Gazetted Officers in Home District'. The aforementioned circular was further made applicable by the State of Haryana on 23.12.2008 as discernible from



Annexure P-6. Further, respondent No.1 has issued the Model Online Transfer Policy notified on 23.05.2025 (Annexure P-7) for the employees of State of Haryana. The relevant Clause 3 (ix) describes the ***Protected Employee***. Learned counsel for the petitioners further relies upon Annexure P-9 and submits that the names of the petitioners are mentioned at Serial No.1 and 4 of the composite score for the purpose of transfer. The petitioners have approached the competent authority by seeking clarification (Annexures P-10 and P-13) on the ground that petitioners are protected employee in terms of Clause 3 (ix) of the notification dated 23.05.2025 (Annexure P-7) and further, the petitioners have applied through the Online Portal well within the time, as such, the policy is prescribed for retaining the employees under the protected category in the Home District and the petitioners cannot be denied the benefit of the same. The act and conduct of respondents No.3 & 4 is whimsical and arbitrary.

3. Mr. Vikrant Pamboo, Additional A.G., Haryana appears for respondents No.2 to 4 and could not controvert the fact that a notification was issued on 23.05.2025 in which the definition of *Protected Employee* has been inserted under Clause 3 (ix) and the disability and medical certificate of the petitioners are available on record as Annexures P-1 and P-3, respectively.

4. Having heard learned counsel for the parties and after perusal of the record of the case, it transpires that a transfer policy was notified in the Official Gazette on 23.05.2025. The comprehensive criteria has been laid down for the transfer of the employees and further definition of *Protected Employees* also inserted in Clause 3 (ix) which is as under:-

'3 (ix). 'Protected Employee' means and includes:

(a) the employee due for retirement on attaining the age of superannuation within 12 months from cut-off date for transfer order generation, as published

at the time of transfer drive creation of the cadre; or

(b) the employee undergoing treatment for cancer or undergoing dialysis or having undergone bypass heart surgery (during last 2 years) or having undergone organ transplant; or

(c) the employee having more than 70% disability (as defined under RPWD Act 2016); or

(d) the employee who is a widow having youngest child upto 10 years of age;

4. Merit Criteria for allotment of post

Merit for allotment of vacant post to an employee will be based on the total composite score of points earned by the employee, out of 80 points, as described below :-

(i) Age will be the prime factor for calculation of merit points, as tabulated below:

Sr. No.	Major Factor	Maximum Points	Criteria for calculation
1.	Age (Qualifying date minus Date of birth)	60	Age in number of days / 365 (maximum four decimal points only)

*(ii) **Special Factors:** A weightage of maximum 20 points can be availed by the employees as indicated below:*

Sr. No	Major Factor	Sub-Factor	Maximum Points	Remarks
1.	Gender	Female	10	10 points will be given to all female employees
2.	Special Category Female employees	Unmarried employees of more than 40 years of age, Widow, Divorced, Judicially separated	10	All female employees of this category will be given 10 points
3.	Special Category Male Employees	Divorced/ Judicially separated/Widower who have not remarried and have one or more minor child/children and /or unmarried daughters		
4.	Couple Case	Applicable to employees working in any Department/Organization under any State Government/Gove	5	The benefit will be admissible only in case the preferred station shall result in decrease of distance between the current



		Government of India		respective posting stations of the couple
5.	Spouses of Military/Paramilitary personnel	Spouse of serving Military/Paramilitary personnel	10	All employees of this category will be given 10 points
6.	Diseases of Debilitating Disorders (Refer Annexure -1)	Self/Spouse/unmarried son/daughter	10	Certificate valid on the qualifying date issued by duly constituted Medical Board of AIIMS/PGI-Rohtak/Government Medical Colleges situated in Haryana or Delhi or Chandigarh
7.	Differently abled or mentally challenged child/children	Employee having 100 % differently abled or Mentally challenged child/children	10	Employee having 100% differently abled or Mentally challenged child/children will be given maximum 10 points
8.	Differently abled persons	All kind of disabilities as defined under RPWD 2016	20	For employees having disabilities, the points will be given based on the percentage of disability, which is as following: Between 40% to <50% - 10 marks; Between 50% to <60% -15 marks; Between 60% to 70% - 20 marks
9.	Disciplinary Proceedings under major penalty	-	(-10) marks	An employee who has been awarded major penalty under HCS (Punishment & Appeal) Rules, 2016. During the currency of the punishment – Negative Marks

Note: List of Diseases of debilitating disorder has been mentioned in the Annexure-I.

(iii) Voluntary Participation

a. Thereafter, the consent for voluntary participation will be taken from those employees who have not completed their prescribed tenure but have completed minimum tenure and also from those employees falling under protected category.

(vi) Unit Allocation



a. Merit criteria for allotment of unit will be as per Para 4.

The employees under Protected category will be assigned maximum (80) merit points.'

5. The composite scores and details report of officers of the rank of SE, XEN issued on 11.07.2025 (Annexure P-9) in which the name of the petitioners found mentioned at Serial No.1 and 4. Further, it is also not in dispute that petitioners are currently working in District Rohtak and they have applied through online portal within the stipulated time. As such, keeping in view their hardship and protected category, the petitioners are entitled to the benefit of transfer policy.

6. In view of the discussion above, the present civil writ petition is allowed and respondents No.2 to 4 are directed to consider the claim of the petitioners and pass a speaking order after affording an opportunity of hearing to the petitioners within a period of 08 weeks from the date of receipt of certified copy of this order and in the meantime, any proposal to transfer of the petitioners from Rohtak, shall be kept in abeyance.

(HARPREET SINGH BRAR)
JUDGE

06.08.2025

Neha

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