

(2021) 02 P&H CK 0342

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 13788 Of 2020

Krishan Singh And Ors

APPELLANT

Vs

State Of Haryana And Ors

RESPONDENT

Date of Decision : 26-02-2021

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2021) 02 P&H CK 0342

Hon'ble Judges : Jasgurpreet Singh Puri, J

Bench : Single Bench

Advocate : Jasbir Mor, Naveen Singh Panwar

Final Decision : Disposed Of

Judgement

The present petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of order or direction and for quashing the action of the respondents in including the names of the petitioners in the transfer list of Clerks and Taxation Inspectors with a longer stay for participating in online transfer drive of 2020 compulsorily.

At the outset, the learned counsel for the petitioners has submitted that so far as the petitioner Nos. 1, 2 and 3 are concerned, the Government has already taken up the stand that they will not be transferred in pursuance to the online transfer Policy of the Government of Haryana and, therefore, qua petitioner Nos. 1, 2 and 3, the petition has already become infructuous.

So far as the petitioners Nos. 4, 5 and 6 are concerned, the learned counsel for the petitioners has submitted that their names were not liable to be included in the list of transfer.

Notice of motion was issued in the present case and reply has been filed by the

Additional Excise and Taxation Commissioner, Haryana, Panchkula, in which it has been submitted that the online transfer policy provides a mechanism for the redressal of grievance of the\ employees aggrieved from the order issued under this Policy. Under Clause 6 (X) of the Policy (Substituted and re-notified on 14.08.2020) and for that purpose a Committee comprising of Deputy Commissioners, CMO and concerned DETC/JETC may recommend deputation/temporary transfer of an employee after the transfer drive, on the basis of genuine and compelling reasons. The aforesaid Clause 6(X) is reproduced as follows:-

â??A Committee headed by the Deputy Commissioner and comprising of CMO and concerned DETC/JETC, may recommend deputation/temporary transfer of an employee after the transfer drive, on the basis of genuine and compelling reasons. A web portal would be provided for taking online applications from the employees for this the Committee will scrutinize such cases and send their recommendations to the Govt., which will be dealt under relaxation Clause of the Transfer Policy.â??

The learned counsel for the petitioners has submitted that he will be satisfied in case the representations of the petitioners are taken up by the aforesaid Committee and decided within some time frame period.

He further pointed out that so far as the petitioners No. 4 and 5 are concerned, the representation has already been given to the Committee and so far as the petitioner No.6 is concerned, he will file representation within a week from today.

The learned State counsel submits that he has no objection in case a direction is issued to the aforesaid Committee to decide the representation of the petitioner Nos. 4, 5 and 6 in pursuance of Clause 6(X) of the Policy in accordance with law.

Consequently, in view of the stand taken by both the learned counsels for the parties, the present writ petition is disposed of with a direction to the aforesaid Committee to consider and decide the representations of the petitioner Nos. 4, 5 and 6 in accordance with law and preferably within a period of two weeks from the date of receipt of a copy of this order, if there is no impediment in this regard.