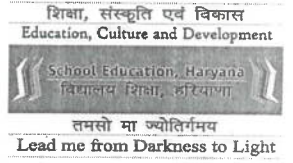




Directorate of Elementary Education

मौलिक शिक्षा निदेशालय

e-mail: eduprimaryhry@gmail.com - site: www.harprathamik.gov.in



Order No.11/2-2023 ESHM (2)

Dated, Panchkula the 28.02.2023

Consequent upon the acceptance of the voluntary retirement notice dated 30.12.2022 for voluntary retirement in view of the provision of Rule 146 of HCS (General) Rule-2016, Sh. Satya Parkash Singh (050109), ESHM, GMS Goyala (4338) Distt. Nuh is hereby allowed to retire voluntarily w.e.f. 31.03.2023 (AN).

Mahabir Parsad
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula.

Endst No. Even

Dated, Panchkula the 2-3-23

A copy is forwarded to the following for information and necessary action:-

Regd.

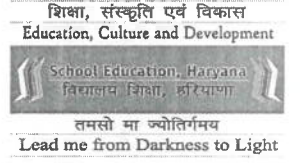
1. District Elementary Education Officer, Nuh w.r.t his Memo No. E-1/2022/7041 dated 30.12.2022. The service book is returned hereby attached.
2. Accountant General (A&E) Haryana, Chandigarh.
3. Treasury/Sub-Treasury Office, Nuh.
4. Principal/Headmaster, GMS Goyala (4338) Distt. Nuh.
5. Sh. Satya Parkash Singh (050109), ESHM, GMS Goyala (4338) Distt. Nuh.
6. I.T. Cell.

Sh. Anil K
Superintendent ESHM
For Director Elementary Education
Haryana, Panchkula



Directorate of Elementary Education

मौलिक शिक्षा निदेशालय

e-mail: eduprimaryhry@gmail.com - site: www.harprathamik.gov.in

Order No.11/3-2023 ESHM (2)

Dated, Panchkula the 28.02.2023

Consequent upon the acceptance of the voluntary retirement notice dated 19.09.2022 for voluntary retirement in view of the provision of Rule 146 of HCS (General) Rule-2016, **Smt. Manju Sharma (007645), ESHM, GMS Ferozpur (6612) Distt. Panchkula** is hereby allowed to retire voluntarily w.e.f. 10.02.2023 (AN).

Mahabir Parsad
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula.

Endst No. Even

Dated, Panchkula the 2-3-23

A copy is forwarded to the following for information and necessary action:-

Regd.

1. District Elementary Education Officer, **Panchkula** w.r.t his Memo No. E-III/2023/9074 dated 06.02.2023. The service book is returned hereby attached.
2. Accountant General (A&E) Haryana, Chandigarh.
3. Treasury/Sub-Treasury Office, Panchkula.
4. Principal/Headmaster, GMS Ferozpur (6612) Distt. Panchkula.
5. Smt. Manju Sharma (007645), ESHM, GMS Ferozpur (6612) Distt. Panchkula.
6. I.T. Cell.

Shankar
Superintendent ESHM
For Director Elementary Education
Haryana, Panchkula

DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/58-2022 ESHM (2)

Dated Panchkula the, 28-2-23

Whereas, the present CWP No. 26750 of 2022 Daya Nand Vs. State of Haryana & Others for quashing the impugned order dated 06.09.2022, (Annexure P-4), passed by the respondent No. 1 whereby the petitioner has been transferred from Government High School, Kurhawata (3827), Mahendergarh to Government Middle School, Kharkhari (6146), Nuh Mewat in a span of 3 years being against the Teacher Transfer Policy dated 05.06.2017 (Annexure P-7) of the Government.

Further prayed for directing the respondent No. 1 to transfer the petitioner back to the same school from where he has been transferred out as being against Teacher Transfer Policy dated 05.06.2017 (Annexure P-7) and has further prayed that during the pendency of the present writ petition, the operation and effect of impugned order dated 06.09.2022 (Annexure P-4) passed by the respondent No.1 may kindly be stayed and the petitioner may kindly be allowed to join back at his previous place of posting at Government High School, Kurhawata (3827), Mahendergarh in the interest of justice.

The said instant writ petition came up for hearing before the Hon'ble High Court on 22.11.2022. The order passed by the Hon'ble High Court is as under:-

"In the present petition, the grievance of the petitioner is that despite the fact that petitioner has not completed minimum stay of 5 years at the present place of posting as envisaged under the transfer policy but by ignoring the said clause of the transfer policy as well as the directions issued by Coordinate Bench of this Court in CWP No.15108 of 2021 on 24.08.2021, titled as Vikram Singh and others versus State of Haryana and others, the petitioner has been transferred vide impugned order dated 06.09.2022 (Annexure P-4), which act of the respondents is totally arbitrary and illegal and liable to be set aside.

Learned counsel for the petitioner submits that the petitioner has already raised the said grievance by way of representation dated 10.11.2022 (Annexure P-13), which is pending consideration of the respondents and the petitioner will be satisfied at this stage in case the respondents are directed to decide the said representation by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents and raises no objection in deciding the claim of the petitioner in the representation dated 10.11.2022 (Annexure P-13) in a time bound manner by passing an appropriate speaking order.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in the representation, respondent No. 2 is directed to decide the representation dated 10.11.2022 (Annexure P-13), by passing a speaking order within a period of eight weeks from the receipt of copy of this order.

Present writ petition stands disposed of.

In the compliance of above said direction, the representation dated 10.11.2022 of the representantist/claimant i.e. Sh. Daya Nand has been examined carefully and it has been found that the claimant has claimed for quashing transfer order as he was transferred without completion of 3 years at a station, as well as the claimant has been transferred in Nuh Mewat out of Rest of Haryana Cadre whereas he is an employee of rest of Haryana cadre.

It is pertinent to mention here that to provide requisite number of Teachers to the students by optimum utilization of human resources the Government had decided to consolidate all schools located within one kilometer distance in same village/ward which is known as single school unit with administrative head of highest school shall work as "Head of the Institution" for all campuses of the consolidated school. As per rationalization vide order No. 4/33-2011-SE(4) dated 13.08.2022 posts of ESHMs have been withdrawn from High and Senior Secondary Schools, hence, the claimant was compulsorily included in General Transfer Drive, 2022 to seek posting in Middle School from the High School.

It is also worthwhile to mention here that the claimant was not required to participate in General Transfer Drive, 2022 (first Round) but due to rationalization, the post of ESHM had become surplus and hence was withdrawn from GHS Khurwata (3827) Mahendergarh which is a High School. Hence, the claimant was required to participate and had filled up more than 6 numbers of stations of his choice for Second Round of Transfer Drive. Out of the opted stations the claimant got 1st preference choice i.e. GMS Kharkhari Nuh (Mewat) as per his MIS points.


It is worthwhile to mention here that the Claimant was working as ESHM at GHS Kurahawata District Distt. Mahendergarh which is a High School, where the post of claimant i.e. ESHM has been declared as surplus due to the rationalization of posts, hence,

the Claimant was compulsorily required to participate in the transfer drive as per Transfer Policy, 2016 amended as on 01.06.2017 which was enacted by the Government of Haryana and the respondent department has not done any act beyond the said policy. Section 9 Clause XII of Teacher Transfer Policy, 2016 is as under:

“(xii) Teachers declared surplus from a station as part of the rationalization of posts shall compulsorily participate in the transfer drive. In case of their non-participation in transfer drive from any reason their salary from such posts shall be stopped and the department shall be at liberty to post them at any station across the state in the schools having high deficiency of teachers”.

In the context explained above, the case of the claimant in the representation dated 10.11.2022 (Annexure P-13) has been examined and it has been found that the claimant is not eligible for stay at present place as the post has been declared surplus due to the rationalization as per Clause XII (9) of Transfer Policy. Hence, it was compulsory for the claimant to participate in General Transfer Drive, 2022 to seek posting in Middle School from the High School. On the basis of present circumstances, the claim of the claimant has been rejected in above terms.

I order accordingly.


(Mahabir Parsad)
Additional Director, (Admn.)
O/o Director Elementary Education,
Haryana, Panchkula.

Regd.

To

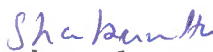
1. Sh. Daya Nand [055214], ESHM, aged about 48 years, S/o. Sh. Ramji Lal, resident of Vill. Zerpur(16), Mahendergarh Haryana (123029).

Endst. No.: Even

Dated Panchkula the, 2-3-23

A copy of this order is forwarded to following for information and necessary action:

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Mahendergarh.
3. Sh. Anil Kumar Sharma, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.


Superintendent ESHM
for Director Elementary Education
Haryana, Panchkula