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Shyam Sunder Dahiya Versus State of Haryana and others

Present: Mr. R.K. Malik, Senior Advocate with  
Mr. Ashish Chaudhary, Advocate  
for the petitioner.

Mr. Harish Rathee, Sr.DAG, Haryana  
for the State.

Mr. Rajbir Sehrawat, Advocate  
for respondent No.4.

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This order will dispose of two Civil Writ Petition Nos. 18646 of 2008 and 3281 of 2009. The facts are taken from Civil Writ Petition No. 18646 of 2008.

The petitioner is posted as Lecturer in Maths-cum-Associate NCC Officer-II. He was posted at Government Senior Secondary School, Model Town, Sonapat. In the year 2006, the petitioner was transferred to Sonapat to DIET Bisawanmeel. He had approached this Court through writ petition on the ground that no NCC facility were available in the school where he was posted and as per the policy he could be transferred to a place where NCC facilities were available. The said writ petition was disposed of on 1.8.2006 to reconsider the matter in the light of policy decision.

The petitioner contends that respondents themselves realised their mistake and cancelled the order of transfer.

On 16.10.2008, the petitioner has been transferred to Government Senior Secondary School, Sisana, Sonapat. He has filed writ petition to challenge the order of his transfer on the ground that no NCC facilities are available in the said school. Besides the

policy decision. the counsel would also draw my attention to a letter written by Commanding Officer, 12<sup>th</sup> Haryana Battalion NCC, Sonapat where he has recommended for cancellation of the transfer of the petitioner. Merely because the petitioner is an Associate NCC Officer would not entitle him to stay at a particular place. The petitioner otherwise is a Lecturer in Maths and is Associate NCC Officer. He may be performing some additional duties for which he is getting Rs. 750/- per month. The main grouse of the petitioner appears to be that by transferring him to a place where NCC facilities are not available he will be put to loss of Rs. 750/-. His loss would be somebody else's gain who can perform the same functions. Indeed in reply filed by respondent No.4, he has so pleaded. The petitioner does not have a vested right to stay at particular place only on this ground. The policy instructions are meant for the Government to follow. These can not be enforced through court of law.

I think, the petitioner has enjoyed enough of his stay at a particular place. He seems to be interested in staying at one place. He has been able to manage so even after his transfer since 2008. No case for interference is made out. Transfer is an incidence of service.

Dismissed.

sd/-Ranjit Singh  
Judge

July 22, 2009  
rts

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Examiner 1-8-09