

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.19164 of 2015 (O&M)
DATE OF DECISION : 22.9.2015

Manisha Mehra

PETITIONER

VERSUS

State of Haryana and others

RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Anurag Goyal, Advocate for the petitioner.

Shri Hitesh Pandit, Additional A.G. Haryana.

Shri J.S.Maani, Advocate for respondent-4.

MAHESH GROVER, J.

In this petition the petitioner impugns the order of her transfer
Annexure P-6 dated 7.9.2015.

The petitioner contends that she had earlier worked at Rohtak when
she was transferred from that place to Panipat on 12.6.2014 (Annexure P-3)
against a vacant post. Barely 8 months thereafter she was shifted from Panipat to

Head Office at Chandigarh with the officiating charge of the D.F.S.C., Panipat being assigned to Sanjit Rana, D.F.S.O. (respondent No.4). It is pertinent to mention here that the petitioner is working as D.F.S.C. This order was passed on 23.2.2015. The petitioner complied with this order and joined her posting at Chandigarh, but barely two months thereafter she was again transferred to Sonapat (Annexure P-5). After having joined at Sonapat, the impugned order was passed after five months of her transfer to Sonapat. She now stands transferred to Panchkula and Sanjit Rana has been posted at Sonapat after bringing him from Mewat vice the posting of the petitioner.

Indeed, transfer is an administrative action not to be interfered with by a Writ Court under Article 226 of the Constitution of India unless mala fides are writ large on the face of it or extreme arbitrariness is manifested from the facts.

In the considered view of this Court, repeated transfers of an incumbent such as the one inflicted upon the petitioner in almost one year would indicate that transfers are not essentially on account of administrative reasons, but dictated by ulterior purposes where atleast one person Sanjit Rana benefits from two of the transfers inflicted upon the petitioner. Such repeated transfers not only unsettle an employee, but also have an effect on his performance.

The reply filed by the respondents indicates administrative grounds as the reason for the transfer, but these transfers in a span of almost a year do not necessarily reflect on administrative exigency, but rather reflect adversely on the administrative efficiency and indecisive character of the authorities.

For the aforesaid reasons, I am of the view that action of the respondents in repeatedly transferring the petitioner smacks of acute arbitrariness motivated to accommodate atleast one incumbent namely Sanjit Rana and thus, it is evident that it is not driven by an administrative exigency.

Consequently, the impugned order Annexure P-6 is set aside.

The petition stands allowed.

September 22, 2015
GD

(MAHESH GROVER)
JUDGE