

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

SMRITI  
2017.10.01 10:43  
I attest to the accuracy and  
integrity of this document

**CWP-5340-2019 (O&M)**

**Date of Decision: 25.09.2019.**

**Santosh Kumar**

**... Petitioner**

**vs.**

**Union of India and Others**

**.. Respondents**

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. K.S.Jetley, Advocate  
for the petitioner.

Ms. Anita Balyan, Advocate  
for the respondent-UI.

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**ARUN MONGA, J.(ORAL)**

Short controversy involved herein is that whether the petitioner, who was transferred on compassionate ground vide an order dated 11.02.2017 for a period of two years on the basis of his application dated 07.02.2017 (Annexure P-1), is entitled to continue beyond the said prescribed period.

2. Having heard learned counsel for the petitioner as also learned counsel for the respondent-Union of India, I am of the view that the reliance placed by learned counsel for the petitioner on the transfer policy that the petitioner is entitled to continue even beyond the period of two years on the ground that he has a dependent dwarf brother and an ailing mother, is totally misplaced.

3. Even otherwise, learned counsel for respondent-UI submits that as per her reliable information, the said dwarf brother is not dependent upon the petitioner, as he is gainfully employed. That apart, she submits that petitioner also has other siblings to look after the ailing mother apart from the dwarf brother, who himself is employed.

4. I am of the view that even if the contention of learned counsel for the respondents are to be disbelieved, the petitioner, who has already put in more than two years at the current place of posting on compassionate ground, does not have a vested right in law to continue at the same place. He has already been given the benefit of compassionate transfer once and the same cannot be extended in perpetuity.

5. Transfer being matter of administrative exigencies, this Court generally interferes, if at all, very cautiously. Transfer is not a punishment but an essential aspect of service, particularly, on a transferable post.

6. In my opinion, in the present case, order dated 22.12.2018 (Annexure P-4) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

7. Petition is, accordingly, dismissed being devoid of any merit.

8. Pending miscellaneous application, if any, also stands disposed of.

25.09.2019  
smriti

(ARUN MONGA)  
JUDGE

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether Reportable        | : Yes/No |