

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

**CWP No.26501 of 2019
Date of decision:18.09.2019**

Raghubir Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Karanjeet Singh Brar, Advocate and
Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. Amit Parashar, Advocate
for the private respondent/caveator.

AMIT RAWAL J.

Short point involved in present writ petition is whether the Court can interfere in the exercise of administrative powers/machinery of the respondents for quashing of the transfer/posting order of petitioner dated 11/12.09.2019 (Annexure P-1).

As per the averments in petition, petitioner in 2004 i.e. on 06.08.2004 was appointed as Horticulture Development Officer (HDO) and his service career remained impeccable. However, in 2014, he was promoted to the post of Subject Matter Specialist vide order dated 01.09.2014. His place of posting in 2005 was at Cheeka Gula, District Kaithal and thereafter, transferred to Dabwali and then Mangiana within a year.

Mr.Karanjeet Singh Brar, learned counsel appearing on behalf of the petitioner submitted that petitioner in 2008 was transferred from Mangiana to Dabwali and in 2014 when promoted was again transferred from Graunda to Rohtak within a year and then from Rohtak to Bhiwani within a short span of time, though his work and conduct had been satisfactory and efficient.

It has been alleged that transfer of the petitioner is not following under the general transfer nor under the terms of transfer policy but at the instance of Sh. Deen Mohd who has been transferred from Rewari at the place of petitioner being resident of District Nuh. There is no oral and written complaint against the petitioner by any agriculturist or staff member.

Mr. Amit Parashar, learned counsel appearing on behalf of the private respondent/caveator pointed out that there had been complaint against the petitioner as he had been withholding the subsidy amount of the farmers at the previous place of posting. It is only after receipt of complaint by the Members of Legislative Assembly (MLA), amount of Rs.80 lakhs was released on 11.09.2019, that was one of the grounds for transfer.

In support of aforementioned contention, he has shown relevant material against the petitioner including the complaint. It was also alleged that at the previous place of posting, it was found that a sum of Rs.27,20,000/- was misutilized and there was loss to the State exchequer, thus, it is on account of exigency and for the reasons mentioned therein and department is contemplating to initiate the strict action against the petitioner. As per the decision of the Government, even a draft charge sheet

under Rule 7 for approval, has been sent to the Government vide letter dated 27.11.2018.

I have heard learned counsel for the parties, appraised the paper book and of view that there is no force and merit in the submissions of Mr. Brar. At the drop of hat, the Court cannot cause interference in the administrative machinery of the State owing to such a vast employment, few always remained disgruntled.

This Court normally interferes in the matters of transfer when it is not in consonance with the transfer policy where the place of posting had been less than the period as specified but owing to various complaints and work and conduct of the petitioner, without commenting upon the same as it would be subject matter of any decision of the department, I am of the view that it is not fit case where the Court should bring the case within the realm of judicial review for interfering into transfer matters.

No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

September 18, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No