

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 17658 of 2020
Date of Decision: 04.11.2020**

Narender Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ramesh Goyat, Advocate
for the petitioner.

Mr. Gaurav Gulzar Singh Chauhan, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the order dated 19.10.2020 (Annexure P-8), vide which the petitioner has been transferred from the office of District Social Welfare Officer, Bhiwani to the office of District Social Welfare, Officer, Nuh against a vacant post.

Learned counsel for the petitioner has submitted that the petitioner is residing in village Ganga Nagar, Tehsil Meham, District Rohtak, with his family, consisting of old age parents, who are suffering from old age ailments and except the petitioner, there is nobody in the family to look after them.

It has been further submitted that the petitioner was transferred eight times from 07.1.2015 to 19.10.2020. Earlier, the petitioner approached

this Court by way of CWP No. 2540 of 2020 and vide order dated 31.1.2020, the said petition was disposed of and directions were issued to respondent No. 2 to look into the representation and to pass an appropriate order, within a period of four weeks but the claim of the petitioner was rejected vide order dated 24.6.2020. Learned counsel has further submitted that the transfer orders are against the policy and guidelines dated 06.10.2004 (Annexure P-9). The impugned order dated 19.10.2020 has caused hardship to the petitioner whereas one post of Assistant is vacant at Bhiwani, itself.

On the other hand, learned State counsel has submitted that the petitioner has been transferred from Bhiwani to Nuh in the public interest and against the vacant post as three posts of Assistants were vacant at Nuh and the work of the office of District Social Welfare Office, Nuh, was suffering. He has further submitted that the service period of the petitioner at Bhiwani comes to approximately 2½ years and as per the transfer policy, in normal conditions, an employee is not to be transferred within two years from one station.

It is still further submitted that as per the policy, any transfer for less than three months is not to count as change of station. Thus, the petitioner remained posted at Rohtak for approximately 3½ years and thereafter he was posted at Bhiwani.

I have heard the learned counsel for the parties.

Admittedly, the transfer of the petitioner is against a vacant post and in the public interest. Moreover, the petitioner remained at Bhiwani station for 2½ years approximately, and as per the policy, an employee is not to be transferred within two years from one station.

The Hon'ble Supreme Court in '*State of U.P. And others versus Gobardhan Lal 2004 (11) SCC 402*' has drawn the conclusion that the posting and transfer of employees is purely an administrative matter at the discretion of the competent authority for the better administration in public interest.

Similar view has been taken by the Coordinate Bench of this Court in '*Rakesh Kaur versus State of Punjab and others, 2018 SCC Online P&H 2825*'.

Earlier also the petitioner had approached this Court and directions were issued to the respondent-department to look into the representation of the petitioner but the same was rejected. The petitioner has not placed on record the rejection order, for the reasons best known to him.

Keeping in view the said facts and the case law cited above, the transfer order dated 19.10.2020 (Annexure P-8) does not call for any interference.

The petition is dismissed with no order as to costs.

(HARNARESH SINGH GILL)
JUDGE

November 04, 2020
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes