

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

CWP No.840 of 2021

DATE OF DECISION : 14.01.2021

Ramesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajesh Khandelwal, Advocate,
for the petitioner.

Ms. Mamta Talwar, DAG, Haryana.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Section 226 of Constitution of India seeking issuance of a writ in the nature of certiorari to quash the order dated 08.12.2020 (Annexure P-14) vide which the recommendation of transfer of the petitioner dated 17.01.2020 has been rejected.

2. Learned counsel for the petitioner submits respondent department has wrongly transferred the petitioner without considering his couple case as well as other grounds. He further submits that the case of the petitioner for transfer was already recommended by the Committee vide letter dated 17.01.2020, but the same was not implemented.

3. Learned counsel for the petitioner submits that when the petitioner filed COCP No.2529 of 2020, impugned order dated 08.12.2020 has been passed rejecting the recommendation of transfer of the petitioner, which is factually wrong and arbitrary in nature as the post which has been shown 'not vacant' in the impugned order, is vacant as per certificate of the Principal itself (Annexure P-15).

4. I have heard learned counsel for the petitioner and have gone through the case file.

5. It transpires that petitioner has been transferred from Hisar to Fatehabad, which is merely 49 Kms and yet he is before this Court impugning his transfer.

6. 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.

7. The impugned order dated 08.12.2020 (Annexure P-14) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

8. Dismissed.

January 14, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No