

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

106+211

**CM-3683-CWP-2021 in/and
CWP-2657-2021
Decided on : 19.03.2021**

Rashid

... Applicant/Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present:- Mohd. Arshad, Advocate for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana
for respondent No.1.

Mr. RKS Brar, Advocate
for respondents No.2 to 6.

G.S. Sandhawalia, J. (Oral)

CM-3683-CWP-2021

Application for placing on record replication to the reply filed by respondents No.1 to 6 alongwith photocopy of Annexures P-20 to P-22 and for exemption from filing certified/typed copies of the same, has been filed.

Notice of the application.

Mr. Swaroop and Mr. Brar, accept notice.

Accordingly, the application is allowed. Replication alongwith Annexures P-20 to P-22, is taken on record. Office to append the same at the relevant place.

CM stands disposed of.

Main case

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India, seeks quashing of the impugned order

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dated 28.01.2021 (Annexure P-8), whereby he has been transferred from Nagina to Bhiwani.

Since, the petitioner had also filed a representation dated 29.01.2021 (Annexure P-12) for cancelling the said transfer, this Court on 05.02.2021 had directed the respondents to look into the said representation and also directed to the extent that in case of non-joining of the petitioner at Bhiwani, he would not be adversely proceeded with.

Vide communication dated 10.02.2021 (Annexure P-17), his request as such has also been rejected, while keeping in view the fact that there were various complaints against him. It has also been brought to the notice of this Court that he belongs to Mewat and the Nigam has not shifted him much out of that particular area and thus, his transfer is on administrative grounds.

Counsel for the petitioner has sought to bring to the notice of this Court that the transfer was in violation as such of instructions dated 18.11.2020 (Annexure P-15), wherein transfer order only from HRMS Software was valid.

Mr. Brar, to rebut the said argument, has placed on record the order dated 22.01.2021, whereby it was noticed that HRMS Code of the petitioner was not mentioned inadvertently in the transfer order. Resultantly, it has now been added as 8M0B8A. The argument as such thus on the basis that there is violation of certain policy has also now been rebutted.

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This Court does not normally interfere in the arena of transfer orders, until there is violation of such of statutory rules or mala fides are alleged.

A perusal of the chart showing the petitioner's service from 2014 to 2020 has also been scanned by this Court, which shows that the petitioner has remained either in Palwal or in Nuh area, and he belongs to said area.

In such circumstances, this Court is of the opinion that no case is made out to interfere in the transfer order dated 28.01.2021 (Annexure P-8). Resultantly, the present writ petition is dismissed.

Since, there was an interim order passed in favour of the petitioner on 05.02.2021, the petitioner will be paid his full salary as such. Needful be done within one month from today.

MARCH 19, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No