

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

114

CWP-4686-2021

Decided on : 26.02.2021

Tamanna Devi

... Petitioner

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Abhinav Aggarwal, Advocate, for the petitioner.

Mr. Parminder Singh, Advocate for caveator/respondent No.6.
(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for quashing of the order dated 19.02.2021 (Annexure P-11) whereby the petitioner has been posted at CHC Taraori (Parent Facility) from SDH Nilokheri. She also seeks directions for considering her to be appointed at the original place as she was recruited under the non-transfer policy at Nilokheri. In effect, the petitioner is, thus, more aggrieved by her transfer order from Nilokheri to Taraori.

It is not disputed that the distance between the 2 stations is less than 10 kms and both are situated on the National Highway No.1, the erstwhile Sher Shah Suri Marg, which is leading from Delhi to Chandigarh.

Counsel for the petitioner has vehemently submitted that the appointment of the petitioner, was on contractual basis, was at Nilokheri as Adolescent Health Counsellor on 12.03.2014 (Annexure P-1). Thereafter also, subsequent engagement has been made at Nilokheri. Reference is made to appointment letter dated 01.04.2015 (Annexure P-3) that the recruitment should be for specific facility and is non-transferable.

It is not disputed that as per Clause 2 itself, the employee can be posted at any place under the jurisdiction of District Health & Family Welfare Society, Karnal. Petitioner along with other employees and even the caveator-Gurjit Kumar have been engaged in protracted litigation regarding their transfers inter se the district.

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On an earlier occasion, CWP-15800-2018 was filed by Samrat Singh in which directions had been issued for candidates for posting. Similarly, Mamtesh Rani had filed CWP-8946-2017, again challenging her transfer orders inter se the district. A detailed order was passed on 04.09.2019, taking into consideration the directions issued by this Court. The Civil Surgeon, Karnal noticed that total 15 posts of Adolescent Health Workers; 8 male and 7 female, had been advertised and out of them, one was meant for the District Headquarters. It was noticed that in consequence of the letters dated 16.09.2015 and 29.01.2016, 7 posts of Counsellors had become surplus and only retention of 8 Counsellors could be done in the order of merit. In such circumstances, at that point of time, Samrat Singh was posted at Indri and Mamtesh Rani was at Nissing. It is, thus, apparent that the submission which has been made that the National Health Mission has issued instructions directing not to transfer one person from one facility to another, cannot be a ground to oppose the adjustment which have been made within the district, especially keeping in view the fact that the petitioner has only been displaced within a range of 10 kms and that too on the National Highway.

It is settled principle that the Writ Court will not enter into an arena of transfers which are administrative in nature, in the absence of any mala fides. Resultantly, no case is made out to exercise the extraordinary writ jurisdiction by this Court.

In view of the above discussion, the present writ petition is dismissed in limine.

FEBRUARY 26, 2021

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**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No