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

**Sr.No.109**

**Civil Writ Petition No.7788 of 2021**
**Date of Decision: 07th April, 2021.**

Dr. Sumeet Kumar

...Petitioner

Versus

State of Haryana & Another

...Respondents

***(Heard through Video-Conferencing)***

**CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

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**MEENAKSHI I. MEHTA, J.**

By way of the instant petition, the petitioner seeks the indulgence of this Court for issuance of a writ in the nature of certiorari quashing the Online Transfer Policy dated 09.10.2020 (Annexure P-6) to the extent of denying the chance to participate in the Online Transfer Drive, to those employees who have not completed three years of their posting at a place and also reserving None Core Posts for some special persons and he has also prayed for issuance of a writ in the nature of mandamus directing the respondents to allow him to participate in the Online Transfer Drive and open the MS Portal.

2. As per the brief factual-matrix as canvassed by the petitioner in this petition, he was appointed as Veterinary Surgeon in the Animal Husbandry & Dairying Department of Haryana and was posted at the Govt.

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Veterinary Hospital Rohna, District Sonepat vide the order dated 15.10.2018 (Annexure P-1). The Govt. of Haryana, vide the letter dated 27.11.2019 (Annexure P-2), issued the guidelines for effecting the transfers in various departments in view of the number of the sanctioned posts therein. The impugned Transfer Policy Annexure P-6 provides for the condition that the employees, who have not completed three years at the place of their posting, would not be given any chance to participate in the Online Transfer Drive which affords an opportunity to the concerned employees to opt for the stations of their choice and thus, the said condition in the Policy deprives him of the opportunity to get the posting at the place of his choice. Moreover, the said Transfer Policy provides for the reservation of None Core Posts for some special persons which is discriminatory.

3. Mr. S.S.Pannu, Deputy Advocate General, Haryana, has joined the proceedings on behalf of both the respondents in this case, in pursuance of the copies of this petition having been sent to the respondent-State in advance.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition, at the preliminary stage and have also perused the file thoroughly.

5. Learned counsel for the petitioner contends that the impugned Transfer Policy (Annexure P-6) deprives the Veterinary Surgeons, who have not yet completed three years at the place of their present posting, of the opportunity to participate in the Online Transfer Drive being conducted in pursuance of this Policy and since the petitioner was appointed vide the order

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dated 15.10.2018, he is also not eligible to participate in the above-said Transfer Drive and thus, the above-referred condition, as imposed vide the said Policy, is quite arbitrary, illegal and discriminatory.

6. Per contra, learned State counsel argues that the impugned Transfer Policy has been framed with the view that no employee/officer should be dislodged from the place of his/her posting before the completion of three years as the frequent transfers, after the short spells of one's posting at a place, are likely to disturb his/her functioning as such and may also lead to inconvenience to him/her as well as the family.

7. The State/Govt., being the employer, is well within its right to frame the policy for providing guidelines and uniform pattern so as to maintain transparency while effecting transfers of its employees. The impugned Transfer Policy, actually, provides for ensuring the stay of the Veterinary Surgeon at the place of his/her posting for a reasonable period of three years. Undisputedly, the petitioner, on account of his having been appointed vide the order dated 15.10.2018, has not yet completed the afore-mentioned period of three years at the place of his present posting so as to become eligible to participate in the Online Transfer Drive to be conducted by the Department. Throughout in this petition, he has not come forward with any candid details of any Veterinary Surgeon who hasn't yet completed the afore-stipulated period at the present place of his/her posting and is still being allowed to participate in the Online Transfer Drive. It being so, his non-eligibility to participate in the said transfer drive in terms of the impugned Transfer Policy can, by no stretch of imagination, be termed to be

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discriminatory or unreasonable.

8. As regards the reservation of None Core Posts as provided in Clause 3(e) of the impugned Transfer Policy, a bare reading of the said Clause itself, makes it clear that these posts have been defined therein as the posts of Veterinary Surgeons at only those institutions where the specialized veterinary services are provided by the Department in wider public interest. Therefore the said Clause of the impugned Policy providing for reservation of the said seats for the posting of those Veterinary Surgeons who have specialized in the subjects as specified in this Clause itself, cannot be construed to be unjustifiable or arbitrary.

9. As a sequel to the fore-going discussion, it follows that this petition, being sans any merit, deserves dismissal. Resultantly, the same is hereby dismissed.

**(MEENAKSHI I. MEHTA)**
**JUDGE**

07.04.2021.
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|---|---|
| *Whether speaking/reasoned?* | *Yes/No* |
| *Whether Reportable?* | *Yes/No* |

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