

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

**CWP NO. 10917 OF 2021 (O&M)
DATE OF DECISION: 12.07.2021**

Nihal Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. K. S. Brar, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, AAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein, *inter-alia*, is for issuance of a writ in the nature of certiorari for quashing the order dated 02.06.2021 (Annexure P-6), passed by respondent No.2, vide which the petitioner has been again transferred from Hisar to Chandigarh, as well as, order dated 23.04.2021 (Annexure P-5) vide which he was transferred from Hisar to Chandigarh temporarily.

2. Learned counsel for the petitioner submits that the petitioner was transferred from Hisar to Chandigarh on 14.05.2020 on temporary basis. Thereafter, the petitioner was transferred from Chandigarh to Hisar on 22.01.2021. Only after three months, the petitioner was again transferred to Chandigarh from Hisar vide order dated 23.04.2021. And now even before completion of 90 days, the petitioner has yet again been transferred from Hisar to Chandigarh vide impugned order dated 02.06.2021 (Annexure P-6). He further submits that petitioner has been transferred six times in a span of three

years, without any reason. He further submits that the present transfer is in violation of online transfer policy of State of Haryana.

3. On advance service of copy of the petition, Mr. Saurabh Mohanta, AAG, Haryana, appears and joins proceedings on behalf of State of Haryana.

4. On a Court query, learned State counsel submits that indeed the petitioner has been transferred as many as six times in a span of three years, but he submits that in view of the then administrative exigency, those were temporary assignments/transfers and petitioner was intermittently required at Hisar. The petitioner has now been finally transferred vide impugned transfer order dated 02.06.2021 (Annexure P-6) at Chandigarh, on a regular transfer/assignment.

5. I have heard learned counsel for the parties.

6. Transfer being a matter of administrative exigency, this court generally refrains to interfere and treads cautiously, unless it is a case of extreme hardship. The case in hand does not seem to be such so as to deserve any indulgence. Moreover, transfer is not a punishment but an essential aspect of service, particularly, on a transferable post.

7. In the premise, impugned transfer order dated 02.06.2021 (Annexure P-6) does not call for any interference by this court, in exercise of its extraordinary writ jurisdiction vested under Article 226 of the Constitution of India. However, the petition is disposed of with an expectation that the competent authority shall this time allow the petitioner to complete his tenure at Chandigarh as per applicable Transfer Policy of the department.

JULY 12, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No