

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

CWP-12294-2021

Date of decision: 09.07.2021

Hari Singh

...Petitioner

V/S

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sunil Kumar Nehra, Advocate,
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 29.05.2021 (Annexure P-3) vide which he has been transferred from Guhla District Kaithal to Assandh, District Karnal.

2. Learned counsel for the petitioner submits that impugned transfer is to accommodate respondent No.3, who has been transferred in place of the petitioner. He submits that while participating in an online transfer drive, petitioner submitted his first option to be posted at Kaithal, which is/was a vacant post as one Rishi Paul had been transferred from Kaithal to Kurukshetra. But instead of posting the petitioner there, the post has been blocked and nobody has been posted there. In the premise, petitioner submitted a representation, which was also rejected by the competent authority vide impugned order dated 18.06.2021. He further submits that where the petitioner has now been posted, it was his fifth preference.

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

4. Transfer being 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.

5. The impugned order dated 29.05.2021 (Annexure P-3) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

6. Writ petition is disposed of with liberty to the petitioner to apply for the post at Kaithal at later stage, which slot, as per his averment, is blocked currently. As and when the decision is taken to fill the said post, application/option of the petitioner shall also be taken into consideration, in accordance with the transfer policy.

(ARUN MONGA)
JUDGE

July 9, 2021

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No