

Sr. No.206

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

**CWP-11729-2020 (O&M)
Date of decision: 10.12.2021**

Sadhu Ram

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash transfer order dated 30.07.2020 (Annexure P-1) qua him vide which he has been transferred from Rohtak Depot to Palwal.

2. Learned counsel for the petitioner submits that petitioner was earlier transferred from Rohtak Depot to Palwal vide order dated 03.03.2020. Then, he filed a writ petition bearing CWP No.6426-2020 and vide order dated 06.03.2020, this Court had granted stay on his transfer orders. Now, he has been again transferred to Palwal vide impugned order dated 30.07.2020 (Annexure P-1). He submits that petitioner is a heart patient and diabetic also. His wife is also suffering from chronic disease. Mother of the petitioner is 78-year old lady and she is not able to even attend her daily chores.

3. Learned State counsel joins proceedings and strenuously opposes and submits that petitioner has not been transferred. He has actually

been promoted to the post of Inspector from Sub Inspector in the Roadways Department, Haryana and posting has been given to him at Palwal.

4. I have heard learned counsel for the parties and gone through the case file.

5. 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, to transfer an official, or not to, is sole discretion of the employer based on the administrative exigencies. Not doing or doing so is not a punishment, but an integral part of service conditions.

6. No grounds to interfere are made out.

7. However, petition is disposed of with an expectation that the respondents shall take a sympathetic view of the mitigating circumstances as enumerated by the petitioner in his petition with regard to his medical condition. Upon verification thereof, let appropriate order be passed in case petitioner is found deserving.

8. Disposed of accordingly.

10.12. 2021

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No