

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

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CWP-16232-2020

Decided on : 18.01.2021

Prem Lata

... Petitioner

Versus

State of Haryana & others

... Respondents

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

Present: Mr.Neeraj Gaur, Advocate, for the petitioner.

Mr.R.K.S.Brar, Addl.A.G., Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Article 226 of the Constitution of India is to the transfer order dated 18.09.2020 (Annexure P-4) whereby the petitioner has been transferred from Nuh to Farrukh Nagar, Gurugram. The ground is that a complaint had been made against the Chairperson of the Panchayat Samiti and her husband who was working as Junior Engineer, for embezzlement in the office of development works. Further the case is that the petitioner is due to retire after one year and four months and therefore, it is in violation of the policy (Annexure P-5).

In the reply filed by the State, defence was taken that the petitioner resides at Gurugram and there is no malice and arbitrariness in the transfer of the petitioner. She was working in the office of the BDPO since 13.11.2012 and worked there till the transfer order was passed and was relieved pursuant to the same. On an earlier occasion she had been transferred to the BDPO, Hodal but the same had been cancelled on 07.07.2020. It is thus the stance of the State that the transfer of the petitioner is convenient to her as it was her home town and her last posting. The transfer policy was applicable for employees having 300 plus

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strength. The strength of the accountants in the department is only 190 and therefore, there is no violation of the transfer policy which was not applicable.

On the issue of complaint having been filed, it is submitted that there is no arbitrariness in the transfer order. State Counsel has argued that the hearing in the complaint was fixed way-back on 18.12.2020 before the Chief Vigilance Officer (Development) at Chandigarh. It is submitted that transfer orders are only liable to be interfered where there is arbitrariness and malice on the part of the respondents.

In the present case, the facts would depict that the petitioner is a beneficiary of the present order as she is a resident of Gurugram, as per the memo of parties also and therefore, the said posting would be more convenient to her as she would no longer have to commute from Nuh which is at a distance of over 60 kms. It is settled principle that this Court would not interfere with the transfer orders while exercising its extraordinary writ jurisdiction more so specially since the petitioner has remained posted at Nuh for over 8 years.

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

JANUARY 18, 2021

sailesh

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

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No