

Sr. No. 221

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17936 of 2021
Date of decision: 13.09.2021

Som Nath
State of Haryana and another

Versus

...Petitioner
...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate,
for the petitioner.

Mr. Tapan Kumar Yadav, 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 01.09.2021 (Annexure P-3) vide which he has been transferred from Kaithal to Kurukshetra.

2. Learned counsel for the petitioner submits that petitioner was earlier transferred from Bhiwani to Kaithal vide order dated 10.09.2018. Now he has again been transferred from Kaithal to Kurukshetra vide order dated 01.09.2021 on the ground that petitioner had requested for the said transfer. He submits that petitioner never made any such request. He contends that petitioner is fully conscious that being a Government servant, he can be transferred but the same ought to have been done in accordance with the transfer policy.

3. In course of the hearing, learned State counsel has tendered copy of an order dated 01.09.2021 through email, print out thereof is taken on record as Annexure 'A'.

4. Apropos order dated 10.09.2021 passed by this Court, learned State counsel submits that in the impugned transfer order, by sheer inadvertence it has been stated the same was at the request of the petitioner. The transfer has, in fact, been ordered due to administrative exigency. To correct the error, subsequent order dated 01.09.2021 has now been passed in supersession of the earlier order, which has been impugned herein.

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

6. 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.

7. No grounds to interfere are made out. Dismissed.

13.09.2021

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No