

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

CWP-18938-2021

Date of decision: 22.09.2021

Akash Tanwar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.K. Bagri, Advocate,
for the petitioner.

Ms. Rajni Gupta, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash the impugned order dated 16.09.2021 (Annexure P-9) vide which he has been transferred from Faridabad to Mewat at Nuh.

2. Learned counsel for the petitioner submits that wife of the petitioner has been serving as Assistant Professor in Government College for Women, Faridabad since January, 2021. Prior to that she was posted in District Fatehabad and she got transferred to Faridabad on request, being couple case. Petitioner has been recently blessed with a baby girl on 27.04.2021. Petitioner's wife is currently on maternity leave and he has to look after his wife, who is also convalescing from her caesarean operation. He submits that though case of the petitioner falls under the couple case category, but the department has not adopted any specific policy for its employees. Learned counsel for the petitioner 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. Learned counsel for the petitioner submits that qua his aforesaid grievance, petitioner submitted a representation dated 17.09.2021 (Annexure P-10), the same has not been adverted by the respondents till date.

4. On advance service, learned State counsel joins proceedings and opposes issuance of notice of motion.

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. 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. As already observed hereinabove, transfer being matter of administrative exigency, this Court is not interfering in the matter, however, the petition is disposed of with an expectation that the competent authority shall look into the grievance of the petitioner in terms of already pending representation dated 17.09.2021 (Annexure P-10) and take a decision in accordance with the applicable transfer policy. It would be appreciated if a sympathetic view is taken of the peculiar circumstances of the petitioner given that his wife is currently stated to be on maternity leave and requires constant care and attention of the

petitioner, apart from enabling the petitioner to discharge his paternity responsibilities.

8. Let a decision be taken as expeditiously as possible but not later than 30 days from today.

9. Disposed of accordingly.

22.09.2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No