

Sr. No. 114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18967-2021
Date of decision: 22.09.2021

Darshan Singh ...Petitioner
Versus
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sanjeev Malik, 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 02.07.2021 (Annexure P-4) qua him vide which he has been transferred from Sirsa to Fatehabad.

2. 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 19.07.2021 (Annexure P-5), 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. 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. The impugned order dated 02.07.2021 (Annexure P-4) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India. However, petitioner is at liberty to pursue his pending representation dated 19.07.2021 (Annexure P-5) which is stated to have been filed before the competent authority and dismissal of the instant petition shall not come in the way of according any benefit of the transfer policy, in case the petitioner is found entitled thereto.

8. Disposed of in above terms.

22.09.2021

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No