

122 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 19636 OF 2021
DATE OF DECISION : 28.09.2021

Kuldeep Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

(Presence marked through video conferencing).

ARUN MONGA, J. (ORAL)

Petition herein, *inter-alia*, is for issuance of a writ in the nature of certiorari seeking quashing of impugned transfer order dated 22.09.2021 (Annexure P-4), vide which petitioner has been transferred from Karnal to Sirsa, which is against the transfer policy dated 07.04.1989 (Annexure P-5).

2. Petitioner is an Ex-Sergeant from Indian Air Force. Having served for the defense services, competed for selection on the post of Deputy District Attorney and was such appointed in the year 2009. Currently he is serving as District Attorney. His slated date of superannuation is 28.02.2023 and is thus, left with about a year and five months to serve.

3. Learned counsel for the petitioner strenuously argues that as per transfer policy dated 07.04.1989 (Annexure P-5), a retiring official ought not be transferred in a routine manner, unless there is an extreme administrative exigency of the kind, which is so gripping in nature as to not comply with the mandate of the transfer policy.

4. Learned counsel seeks indulgence of this court in view of the compelling mitigating circumstances i.e. impending retirement, as well as
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ailing 85 years old mother of the petitioner and being only male member, he is to look after her as she is currently undergoing regular medical treatment at ECHS, Polyclinic, Ambala, being dependent of an Ex-Air Force official. At this stage, to give a break in the medical treatment of her mother and/or to shift her from Karnal to Sirsa, where the petitioner has been transferred, would be highly detrimental to the health of his mother.

5. 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.

6. Be that as it may, in the peculiar extenuating circumstances as noted above, the impugned transfer order dated 22.09.2021 (Annexure P-4) is directed to be kept at abeyance for a period of three weeks', since the petitioner despite his transfer has not yet given up the charge at Karnal and continues to be posted there.

7. In the meanwhile, it is expected that competent authority shall look into grievance of petitioner, as noted herein above and pass a fresh transfer order, as far as possible in or around Ambala. The interim stay granted by this Court shall be co-terminus with the fresh proposed transfer order to be passed.

8. Disposed of accordingly.

SEPTEMBER 28, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No