

Sr. No. 129

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20856-2021

Date of decision: 11.10.2021

Pardeep Kumar Mandal

... Petitioner

Versus

Haryana State Council for Child Welfare, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Naresh Kumar, Advocate,
for the petitioner.

Mr. Arun Kumar Singal, Advocate,
for the respondent- Haryana State Council.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein, *inter alia*, is that he has been transferred vide impugned order dated 24.09.2021, allegedly outside the cadre in which he was originally appointed. He is currently stated to be working as Programme Officer with the Haryana State Council for Child Welfare.

2. On advance Service, learned counsel for the respondent-Council appears and on a Court query submits that as per Rule 23 of Haryana State Council for Child Welfare Employees Service Rules-2017, which is applicable on the petitioner, he can be transferred anywhere in Haryana be it cadre or ex cadre post as long as he continues to work for the Council.

3. Rule 23 *ibid* is as below :-

“Transfer:

All employee of the Council either appointed against the Hqs cadre or District Council shall be transferred to any place within or outside the territory of Haryana State against an existing post, in the public interest by order of Hony. General Secretary of State Council but no employee shall be transferred against the lower posts on which he or she is working.”

4. A bare perusal of the above Rule reflects that indeed an employee of the Council can be transferred anywhere in Haryana. There is no embargo on the Council to depute him ever on a non-cadre post.

5. As regards the other grievance that he is being sent on a post lower than the Programme Officer on which he is currently working, learned counsel for the Council, under instructions, submits that petitioner is now being posted as Project Officer and the said post is neither lower to that of Programme Officer nor even otherwise he is being paid lesser salary or being vested with any lesser responsibility in discharge of his duties. Learned counsel for the respondent-Council submits that post of Project Officer, in fact, is higher in status than that of Programme Officer.

4. Be that as it may, in view of the statement of learned counsel representing the Council that the post in question of Project Officer is not a lower position to the one currently is being handled by the petitioner, no grounds are made out to interfere on that front either.

5. Adverting to transfer, same 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. No grounds to interfere are made out. Dismissed.

6. However, it is made clear that petitioner shall not be deprived of his seniority on the post of Programme Officer for the period he is proposed to be posted as a Project Officer.

11.10.2021
vandana/mahavir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No