

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

CWP-24988-2021

Date of Decision: 10.12.2021

AJESH KUMAR

...Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *mandamus* directing the respondents to upload the chronic disease certificate dated 03.12.2021 (Annexure P-5) and award 10 points to him as per the Transfer Policy dated 15.10.2020 (Annexure P-1) in the Online Transfer Drive.

2. Learned counsel for the petitioner submits that the respondents sought options for online transfer drive from 26.11.2021 to 29.11.2021 and thereafter, it was extended till 03.12.2021. The petitioner has undergone open-heart surgery in the 1st week of November and he filled his option on 28.11.2021. Learned counsel further submits that the petitioner is entitled for 10 points as his case falls under the category of 'chronic disease' and the said certificate was issued to him only on 03.12.2021 but the same has not been considered by the respondent authorities.

3. On advance service, learned State counsel joins proceedings and opposes issuance of notice of motion.
4. I have heard learned counsel for the petitioner and gone through the case file.
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. No grounds to interfere are made out.
7. However, disposed of with the expectation that the competent authority shall sympathetically look into the medical condition of the petitioner and upon verification thereof pass appropriate fresh orders, if he is found deserving.

December 10, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No