

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

CWP-18788-2018 (O&M)

CM-15638-CWP-2018

CM-3240-CWP-2021

CM-3273-CWP-2021

CM-3469-CWP-2021

Date of Decision: 29.07.2021

DR. VIRENDER KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Abhishek Sethi, Advocate
for the petitioner.

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

Mr. K.C. Rajput, Advocate
for respondent No.4
in CM-15638-CWP-2021.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

CM-15638-CWP-2018

No ground to interfere is made out. The application is accordingly dismissed.

However, since the petitioner has been enjoying the interim stay on his current posting pursuant to an order dated 31.07.2018 passed by this court, the main case is taken up for hearing today itself.

CWP-18788-2018 (O&M)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* quashing the impugned transfer order dated 27.07.2018 (Annexure P-1), whereby, the petitioner was transferred from ESI Dispensary, Karnal to ESI Dispensary, Panipat.

2. Petitioner, who is serving as a Medical Officer in the State of Haryana, is currently posted at ESI Dispensary, Karnal. Being aggrieved against the then impugned transfer order dated 27.07.2018, the petitioner had filed the present petition on 30.07.2018. At the time of issuing notice of motion, after preliminary hearing of the case, my learned brother Rajiv Narain Raina, J. (as he then was) passed the following order dated 31.07.2018:-

“ Issue notice of motion.

On the asking of Court, Ms. Shruti Jain Goyal, DAG Haryana accepts notice on behalf of respondent Nos.1 to 3-State. Learned counsel for the petitioner to supply requisite number of copies of the paper book to the counsel opposite during the course of day.

Issue dasti notice to respondent No.4.

Learned Law Officer to obtain instructions as to the circumstances involving the transfer of the 4th respondent-Dr. Alka Girotra from Panipat to Karnal and to justify whether it is in cognizance of the Policy to Regulate Transfers and Postings of Doctors (Health Department) with special reference to point Nos.9 & 10 at page No.25 of the paper book and Clause 21(k) at page No.28 of the paper book.

List on 06.08.2018.

Status quo till then.

To be shown in urgent list being a transfer matter.”

3. Pursuant to the above orders, the petitioner continues to be posted at Karnal for the past almost three years. Even prior to passing of the order, the petitioner had already served in Karnal for a period of five years. Thus, effectively, he continues to be in Karnal for 03 + 05 years = 08 years.

4. Learned counsel for the petitioner strenuously argues that the transfer order is in violation of the regulations as already noted in order dated 31.07.2018 above.

5. Be that as it may, transfer being a matter of administrative exigency, and an officer serving on a transferable post does not have a right to insist continuous posting at the same place. Transfer is an integral part of service and 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.

6. Given the peculiar circumstances of the case, the petitioner has since already served at Karnal for more than eight years, no further grounds are made out to continue with the proceedings in the present writ petition. The impugned order dated 27.07.2018 (Annexure P-1) thus does not call for any interference from this Court in exercise of its extraordinary writ

jurisdiction vested under Article 226 of Constitution of India and the present writ petition is accordingly disposed of with liberty to the competent authority to pass fresh transfer orders, if administrative exigency so warrants, *albeit*, in accordance with the aforesaid regulations and the applicable transfer policy, noted in stay order dated 31.07.2018.

7. Disposed of accordingly. Pending applications, if any, stand disposed of.

July 29 , 2021
gurpreet

(ARUN MONGA)
JUDGE

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