

CWP-80-2022
Date of Decision: 06.01.2022

ASHOK KUMARI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Kumar Goyat, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. 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 *certiorari* to quash transfer order dated 03.12.2021 (Annexure P-1) vide which she has been transferred from Uklana (Hisar) to Tauru (Mewat).

2. Learned counsel for the petitioner submits that the petitioner is working as Staff Nurse in the office of Community Health Centre (CHC) Uklana Tehsil Uklana, District Hisar. However, vide order dated 03.12.2021, she has been transferred from Uklana (Hisar) to Tauru (Mewat), which is 230 kms. away from her present place of posting. Learned counsel further submits that the petitioner's husband is handicapped and is dependent upon her. He also submits that there is no other member at home to look after the husband of the petitioner as their son is preparing for MDS from

Sri Ganganagar, Rajasthan. Learned counsel further submits that there are four vacancies at Uklana and even then, the petitioner has been transferred.

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. 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.

6. The impugned order dated 03.12.2021 (Annexure P-1) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

7. The argument of learned counsel for the petitioner that there is still an existing vacancy at Uklana and therefore, the petitioner ought not to have been transferred, is completely misplaced, inasmuch as, merely because there is a vacancy at a particular station, cannot be the ground for an employee to continue at the same place for entire length of his/her career. Concededly, the petitioner has been posted at Uklana for the past 26 years.

8. Be that as it may, in view of the peculiar mitigating circumstances as enumerated in the petition and in the pending representation submitted by the petitioner, it is expected of the respondents to look into the

same and upon verification thereof, fresh orders be passed, if deemed appropriate. Petitioner is at liberty to pursue her representation.

9. Disposed of accordingly.

January 06, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No