

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

CWP-3032-2022

Date of decision: 17.02.2022

DHARMENDER SINGH

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashok Kaushik, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petitioner herein, inter alia, seeks issuance of a writ in the nature of certiorari to quash transfer order dated 30.09.2021 (Annexure P-3) vide which he has been transferred from Ujina, Nuh district Mewat to Ratia, District Sirsa.

2. Learned counsel for the petitioner submits that petitioner was appointed as ADO on 27.11.2012. His study leave was sanctioned w.e.f. 03.01.2018 to 31.12.2019 for pursuing Ph.D. He submits that Government issued a Policy dated 14.05.2021 (Annexure P-2) for online transfer and opened the transfers through MS Portal Zone wise. In the month of September 2021, department implemented the online transfer drive. He submits that due to his study leave petitioner did not apply on MS portal zone. Even then vide impugned order dated 30.09.2021, petitioner has been transferred to Ratia. He submits that distance from Ujina to Ratia is more than 270 Kms. Petitioner submitted representations, but to no avail.

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 perused 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.

7. However, the instant petition is dismissed with liberty to the petitioner to follow up his cause before the competent authority who may look into his claim of not opting for online transfer and pass fresh orders if deemed fit.

(ARUN MONGA)
JUDGE

February 17, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No