

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

CWP-3763-2020

Date of decision: March 16, 2022

Subhash Chander

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Malkiat Singh, Advocate for the petitioner.
(Presence marked through Video-Conference).

Mr. Pankaj Midda, Additional AG Haryana.

ARUN MONGA, J (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Mandamus for staying the transfer order dated 28.01.2020 (Annexure P-2) only *qua* the petitioner, whereby, he has been transferred to the office of District Food & Supply Controller, Ambala against vacant post without appreciating the difficulty and family circumstances of the petitioner.

2. Learned counsel for the petitioner submits that petitioner is having two daughters and one Son. His elder daughter is pursuing M.Sc. in Chemistry and younger one is studying in Patiala and residing there. His son is residing abroad. He submits that petitioner is posted at Cheeka, District Kaithal since 25.02.2019. He also submits that before expiry of three years on one station, the petitioner has arbitrarily been transferred to Ambala vide order dated 28.01.2020. Both petitioner and his wife are suffering from various ailments and require assistance of each other to look after them.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion.
4. I have heard learned counsel for the parties and perused the casefile.
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. Ordinarily, this court would refrain to direct the respondent-authority to follow up its Policy unless there is an extreme administrative exigency and not to follow up self-profess guidelines.
6. No grounds for interference are made out. Dismissed.

(ARUN MONGA)
JUDGE

March 16, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No