

115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5737-2022
Date of Decision: 22.04.2022

IDU

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Deepak Sonak, Advocate
for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to set aside order dated 17.08.2020 (Annexure P-1) and order dated 03.03.2021 (Annexure P-5), vide which, his representation against the transfer order from Faridabad to Rohtak, has been rejected.

2. Learned counsel for the petitioner submits that the petitioner is working as a driver in the respondent-department since the year-2008. Vide impugned transfer order dated 17.08.2020 (Annexure P-1), he was transferred from Faridabad Depot to Rohtak Depot. The petitioner thereafter challenged the said transfer order dated 17.08.2020 before this Court by way of filing **CWP-12552-2020**, whereby the impugned transfer order qua the petitioner was stayed. Thereafter, pursuant to said order, the petitioner submitted a representation dated 21.01.2021 (Annexure P-4) before the Grievance Redressal Forum, which was rejected and the petitioner was transferred from Faridabad to Rohtak Depot vide impugned order dated 03.03.2021 (Annexure P-5). Learned counsel for the petitioner submits that

the petitioner has been transferred against the provisions of transfer policy.

Qua his grievance, he submitted a representation dated 11.03.2022 (Annexure P-9), but to no avail. Hence, the instant petition.

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. Learned counsel for the petitioner strenuously argues that the mitigating factors of the petitioner ought to be viewed equitably as his 19-year old son suffers from 100% permanent and physical disability as well as visual impairment. While this Court has sympathy for the petitioner's son, who is suffering from certain ailment, however, the very nature of duties of the petitioner being a driver in Roadways are such that the same are required for the employer to be deputed from time to time to one place or the other. Accordingly, it cannot, therefore, be argued that the transfer has not been made owing to the administrative exigency.

7. No grounds to interfere are made out. Dismissed.

8. However, it transpires that the petitioner has submitted a representation dated 11.03.2022 (Annexure P-9), wherein, he has stated that one of his counterparts, who is serving as a driver at Faridabad, had made a

request to post him at Rohtak. If that be so, the competent authority may look into the same and upon verification of the aforesaid, may pass appropriate orders, if deemed proper, as expeditiously as possible.

Disposed of, accordingly.

April 22, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No