

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

CWP-6947-2019 (O&M)

Date of decision: October 10, 2022

Ashok Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for setting aside order dated 08.03.2019 (Annexure P-5), whereby petitioner was transferred, allegedly second time within a period of three years.

2. It is pleaded in the petition that impugned transfer order has been passed in violation of policy dated 06.10.2004 (Annexure P-6). When husband and wife are both in Haryana Government service, they ought to be generally posted at same or nearby stations as far as possible. Petitioner was posted at Firozpur Jhirka Centre, O/o District Food & Supplies Controller, Nuh against a vacant post. Moreover, impugned transfer order was received on 11.03.2019 at 9:30 a.m., i.e., after code of conduct had been implemented.

3. On the other hand, learned State counsel opposes the petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. While issuing notice of motion on 14.03.2019, no stay on the impugned transfer order was granted.

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. In the premise, the impugned order dated 08.03.2019 (Annexure P-5) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

7. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

October 10, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No