

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

CWP-7588-2022

Date of decision: April 08, 2022

Sunil Tanwar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Himanshu Sharma, Advocate for the petitioner.

Mr. Sharan Sethi, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the impugned non-speaking order No.744/5k/NSK dated 01.04.2022 (Annexure P-1) issued by the office of respondent No.1, pursuant to which, petitioner has been ordered to be transferred from Patwar Circle, Village Kothal Kalan, Tehsil Mahendergarh to Village Nayan, Tehsil Nangal Chaudhary.

2. Learned counsel for the petitioner submits that petitioner is serving as Patwari (Revenue) in the office of respondents and presently posted at the Patwar Circle at Village Kothal, Tehsil and District Mahendergarh. Petitioner was transferred to the present station on 28.11.2019. He submits that wife of the petitioner who is employed in the Health Department is presently posted at CHC Nangal Sirohi, District Mahendergarh, and is suffering from 70% disability of both lower limbs. He submits that vide impugned order dated 01.04.2022, petitioner has been

transferred from Kothal Kalan, Tehsil Mahendergarh to Nayan, Tehsil Nangal Choudhary just to please the other employee who is ordered to be transferred at the current place of posting of the petitioner. He further submits that for redressal of his grievance, petitioner has also moved a representation dated 04.04.2022 (Annexure P-4), but no satisfactory reply has been received.

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 record.

5. The place of posting where the petitioner has been transferred by way of impugned order is only 67 kilometres away from his home.

6. 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.

7. No grounds for interference are made out. Dismissed.

8. However, dismissal of the writ petition shall not come in the way of the competent authority to consider representation of the petitioner, which is stated to be pending and has not been adverted to. Petitioner may pursue

the same. It is expected of the competent authority to verify the mitigating circumstances as enumerated in the petition and pass appropriate orders, if deemed necessary.

(ARUN MONGA)
JUDGE

April 08, 2022
vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No