

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9071-2022

Date of Decision: 02.05.2022

MAKHAN LAL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Parshant Sethi, 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 *mandamus* directing the respondents to consider his case for transfer near to his house i.e. Village Bainsi, Tehsil Meham, District Rohtak being physically handicapped.

2. Petitioner is an ex defense personnel. He was enrolled in the Indian Air Force on 05.05.1987. Due to some eye problem, he was placed in low medical category 'CEE' for sensory neural hearing loss eye and ear problem. He was invalidated from air force service on 05.11.2007 when his disability was assessed at 60%. Thereafter, the petitioner filed a Writ Petition (Civil) No.5876 of 2008 before the High Court of Delhi at New Delhi, which was allowed and the respondents were directed to pay him the disability pension along with arrears. Accordingly, he was granted disability pension @ 75% w.e.f. 06.11.2008 along with arrears. The petitioner was thereafter appointed as Multipurpose Health Worker (Male) in Health Department, Haryana under ex-servicemen category.

3. Grievance of the petitioner is that vide letter dated 19.10.2020 (Annexure P-9), he was directed to appear before the Medical Superintendent Civil Hospital, Rohtak for production of his disability certificate as well as other documents for verification. It is very difficult for him to travel daily being physically handicapped as the distance between Bass and Bainsi (the residence of the petitioner) is around 50 kilometres. Learned counsel further submits that as per Rule 22 of the Haryana Civil Services (Allowances to Government Employees) Rules, 2016, the petitioner is entitled to minimum Rs.1000/- and maximum Rs.2000/- per month as disability allowance, qua which he submitted a representation 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. No grounds to interfere qua the transfer of the petitioner are made out, being a matter of routine administrative exigency. In any case, the nature of disability does not appear to be of such a kind that the same would in any way impinge upon duties in case he is transferred as per the impugned

order. Conversely, it is not shown as to how the petitioner's disability would not interfere in his working in case he is transferred to a place of his choice near his native place as is contended by him.

7. As regards the other grievances of the petitioner qua which the relief has been sought in this petition, he is at liberty to pursue the claim with the department and the competent authority is expected to look into the same and pass appropriate orders in accordance with law.

8. Disposed of accordingly.

May 02, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No