

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-10160-2019
Date of decision: 05.09.2022

OM PARKASH

...Petitioner

VS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Manoj Chahal, Advocate,
 For the petitioner.

Mr. R.K.S.Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of *certiorari* to quash the impugned order dated 26.02.2019 (Annexure P-2) vide which the petitioner has been adjusted from T.A./Over time Branch, Bhiwani to Route Bhiwani.

2. Learned counsel for the petitioner contends that the petitioner has been issued charge sheet dated 18.03.2019 (Annexure P-10) for minor punishment on account of non joining of duty on 03.03.2019 at Bus Stand Bhiwani. He further contends that as per the above said charge sheet, petitioner had joined on 05.03.2019. Vide order dated 07.03.2019, petitioner was granted medical leave from 06.03.2019 to 20.03.2019. Simultaneously, he has been placed under suspension vide order dated 15.03.2019. He further submits that show cause notice has been issued on 03.04.2019 for stoppage of two increments without cumulative effect. He submits that without considering the health problem of the petitioner, he has been transferred.

3. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the written statement. He submits that while issuing notice of motion vide order dated 22.04.2019, no stay was granted.

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

5. Writ petition was filed way back in the year 2019 and no interim order was granted by this Court though simply notice was issued. Mitigating circumstances may not have been in existence, and in view thereof, the petitioner

would have taken care of by making all efforts, as it appears that for lack of interim protection, he would have complied with the order under challenge.

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.

7. No grounds for interference are made out at this stage.

8. In the premise, the impugned order dated 26.02.2019 (Annexure P-2) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

9. Qua his other grievance, petitioner is at liberty to pursue his cause with the competent authority. Disposed of accordingly.

(ARUN MONGA)
JUDGE

September 05, 2022
Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No