

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

CWP-10762-2021 (O&M)

Date of decision: October 14, 2022

Lucky Gupta

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

Mr. Satnam Singh Sishodia, Advocate for
Mr. Ramesh Malik, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing transfer order dated 26/27.05.2021 (Annexure P-1), whereby petitioner was transferred to Jind, on the stated ground of mutual consent vice respondent No.4.

2. In the written statement dated 21.01.2022 filed on behalf of respondents No.1 to 3, following stand has been taken in Paras-4 and 5 of the Preliminary Submission:-

- “4. That the office of Jind Depot has also relieved the Respondent No.4 i.e. Sh. Ashish Dahiya, Foreman to join his duty in Chandigarh Depot vide order endst. No.2652-60/EA/ECW dated 28.05.2021 (Annexure P-2) whereby the official of Jind Depot has shown the transfer on mutual basis due to clerical error/mistake.
5. That after directing this clerical error/ mistake, the Office of General Manager, Haryana Roadways, Jind Depot has passed another endst. No.3280-81/EA/ECW dated 19.07.2021 (Annexure R-2), vide which it has been clarified

that in relieving orders dated 28.05.2021 passed by the General Manager, Haryana Roadways, Jind Depot, the word vice-versa may be substituted for the word mutual transfer.”

3. There is thus candid admission that due to clerical inadvertence, though the earlier transfer order impugned herein stated that it was by mutual consent, but the mistake has now been corrected. In any case, 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.

4. In the premise, the impugned transfer does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

5. Dismissed.

(ARUN MONGA)
JUDGE

October 14, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No