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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-13204-CWP-2022 IN/AND
CWP-13424-2022 (O&M)
Date of decision: August 29, 2022

Vijay Singh and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Pankaj Maini, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

CM-13204-CWP-2022

For the reasons stated in the application, the same is allowed. Reply to the application for vacation of interim order dated 10.06.2022 is taken on record, subject to all just exceptions.

CM-11277-CWP-2022

For the reasons stated in the application, the same is allowed, as prayed for.

Main case (O&M)

Petitioners herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari to set aside the transfer list issued on 06.06.2022 (Annexure P-13) by respondent No.2, alleging violation of online state transfer policy dated 01.06.2018 (Annexure P-1) Warders (Male) working the jails.

2. Learned counsel for the petitioner vehemently argues, referring to the policy *ibid*, that the impugned transfers are in gross violation thereof, apart from suffering from other violations as pleaded in the petition.

3. On the other hand, learned State counsel opposes the petition and submits neither there is any *malafide* alleged nor is there any arbitrariness or favoritism of any kind.

4. I have heard learned counsel for the parties 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.

7. In the premise, the impugned transfers vide order dated 06.06.2022 (Annexure P-13) do not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

8. It is however, petitioners are at liberty to pursue their cause with the competent authority who may reconsider their cases based on individual mitigating circumstances, and if found deserving, accord them the benefit in accordance with applicable transfer policy, of which too much ado has been made herein.

9. Disposed of, accordingly

(ARUN MONGA)
JUDGE

August 29, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No