

Rai Singh and others

...Petitioners

versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Teupal Singh Dhull, Advocate,
for the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari quashing transferslist dated 06.06.2022, Annexure P-11,alleging violation of the state transfer policy dated 01.06.2018 (Annexure P-1). They further seek issuance of a writ of mandamus directing respondents to allow petitioners to continue at their present place of posting, claiming that they are not yet due for transfer.

2. Qua their grievance the petitioners had earlier also approached this Court by filing way of CWP No.10646 of 2022 which was disposed of in the following terms by a Division Bench of this Court vide order dated 18.05.2022:

“After arguing at some length, counsel for the petitioners does not press the present petition raising a challenge to clause 6(ii) of the transfer policy and restricts his right to first file a comprehensive representation before the competent authority for reconsideration of their transfer. The same is only on the ground that petitioners had notcompleted 5 years at the requisite station but had opted for another station and as such their posts were shown vacant and other employees have already opted for the same and thus, they have to be transferred on this count. Thus, their grouse is that they had not got the requisite stations of their choice.

In such circumstances, if a comprehensive representation is filed before respondent No.2 within a period of three days from today that they had not competed 5 years at the requisite station, an effort shall be made to adjust the petitioners to the closest place of their preferred

stations. Necessary exercise be completed within a period of three weeks from the receipt of certified copy of this order.

In view of above, the present petition is disposed of.”

3. *Apropos*, an administrative speaking order dated 04.06.2022(Annexure R-1) has been passed wherein it is stated as below:

“5. Their request has been considered sympathetically. The HKCL, being the executive agency shall make the efforts to adjust the petitioners to the closest place of their preferred stations.

6. Therefore, a copy of Hon’ble High Court orders dated 18.05.2022, alongwith representation made by petitioners dated 20.05.2022 be sent to Haryana Knowledge Corporation Limited to do the needful at the earliest.”

From the above, it appears that the request of the petitioners was considered sympathetically and their case has been forwarded to Haryana Knowledge Corporation, which was to be or is still being processed further.

5. On a Court query, learned State counsel submits that petitioner No.9 had not filled any station choice and owing thereto he has been allocated District Jail, Faridabad through online process. While, petitioners No.1, 2, 3, 5 7 and 8, had filled up their respective choices for stations, have been allocated District Jail, Faridabad. Whereas, petitioners No.4 and 6 have been allocated District Jail, Gurugram, which was their first preference. Accordingly, their transfer list was uploaded on 06.06.2022 on the website of the department.

6. In view of the aforesaid statement of learned State counsel which is in terms of the return filed to the writ petition, no further grounds are made out to interfere.

7. Petitioners have already been accorded due indulgence by the Administrative Authority, and their cases were further sent to Haryana Knowledge Corporation.

8. Not only that, as per the options given by the petitioners, fresh transfer orders have been passed, which have been uploaded on the website.

9. 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.

10. However, in case the petitioners are still aggrieved by the fresh transfer orders, they are at liberty to give their respective representation, giving out individual mitigating circumstance, and the competent authority is at liberty to consider the same in accordance with law.

(ARUN MONGA)
JUDGE

August 29, 2022

dharamvir

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No