

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

CWP-13727-2022 (O&M)

Date of decision: July 04, 2022

Sandeep Punia and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

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

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 to set aside the list issued on 06.06.2022 (Annexure P-6) issued by respondent No.2 which is in violation of the policy issued by the State Government on 01.06.2018 (Annexure P-1) regarding online transfer policy for Warders (Male) as the respondents cannot forcefully transfer the petitioners without completion of statutory period of 5 years with respondent No.3 in terms of provision 4 (vii) of policy *ibid*.

2. Learned counsel for the petitioner submits that the impugned order has been passed without taking into consideration the Government Policy dated 01.06.2018 (Annexure P-1) and petitioners have been transferred to District Jail, Nuh and Faridabad, respectively, in violation thereof.

3. On advance service, learned State counsel appears and opposes the prayer of the petitioner.

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.

6. In the premise, the impugned order dated 06.06.2022 (Annexure P-6) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.

7. Dismissed. However, it transpires that owing to some miscommunication during pendency of the writ petition, petitioners were unable to join new place of posting owing to which they have been marked absent in the service record. It is expected of the competent authority to take lenient view thereof and not take any punitive action.

(ARUN MONGA)
JUDGE

July 04, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No