

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

CWP-15839-2022 (O&M)

Date of decision: July 25, 2022

Aabhash Rohilla @ Aabhas Rohilla

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Deepak Girotra, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, already working as a clerk in the Civil Secretariat, *inter alia*, seeks issuance of a writ in the nature of Certiorari for setting aside/quashing of list (Annexure P-4) whereby petitioner has now been asked to join afresh and allocated the Department of Town and Country Planning, pursuant to impugned revised final result dated 23.06.2022 (Annexure P-3), alleging that this shall affect his seniority.

2. Petitioner was selected on the post of Clerk against advertisement No.5/2019 under BCA category vide pre revised result dated 03.09.2020. He was issued appointment letter dated 08.09.2020 (Annexure P-1) and accordingly, he joined the office respondent No.1. Vide an order/judgment dated 25.04.2022 passed by this Court, the result *ibid* was quashed. Accordingly, Commission declared the revised final result dated 23.06.2022 (Annexure P-3). After the declaration of revised final result, allocation list (Annexure P-4) for the post of Clerks was issued. Petitioner has been allotted the Department of Town and Country Planning i.e., respondent No.3. Vide an

order dated 13.07.2022 (Annexure P-6), petitioner has been relieved from his current post of Clerk, Haryana Civil Secretariat (respondent No.1) with immediate effect to join the new Department as allotted by the Commission.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion.

4. I have heard learned counsel for the parties and perused the casefile.

5. Petitioner was relieved from the office of respondent No.1 directing to join the Department allotted by respondent No.2-Commission, which, at worst, amounts to transfer only. 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. No grounds for interference are made out. Dismissed.

7. It is however, made clear that respondents are expected to give benefit of continuity of service rendered by petitioner in past, regardless of whichever Department he is placed in. Change of department, caused by revision of result, is attributable entirely to the respondents and for no fault of petitioner, he can-not thus be denied benefit of his past service.

(ARUN MONGA)
JUDGE

July 25, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No