

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16639-2022

Date of Decision: 01.08.2022

TARUN AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ravinder Singh Dhull, Advocate
for the petitioners.

Mr. Pankaj Middha, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners, working as Clerk(s) with respondent No.1-department/respondent No.3, *inter alia*, seek issuance of a writ in the nature of *certiorari* for quashing the impugned re-allocation (Annexure P-8) and relieving order dated 02.07.2022 (Annexure P-9), vide which, they were relieved from their present places of posting to join the new department.

2. Petitioners were selected on the post of Clerk(s) against advertisement No.5/2019 vide pre-revised result dated 03.09.2020. They were issued appointment letters and accordingly, they joined the office of respondent No.1. Vide an order/judgment dated 25.04.2022 passed by this Court, the result *ibid* was quashed. Accordingly, Haryana Staff Selection Commission declared the revised final result dated 23.06.2022 (Annexure P-7). After the declaration of revised final result, allocation list (Annexure P-8) for the posts of Clerks was issued. Most of the petitioners were allotted same department again but for three petitioners, the departments were changed. Vide an order dated 02.07.2022 (Annexure P-9), petitioners were relieved from their current post of Clerk 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 case file.

5. Petitioners were relieved from the office of respondent No.1, while directing them to join the new 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 petitioners in past, regardless of whichever department, they are/were placed in. Change of department, caused by revision of result, is attributable entirely to the respondents and for no fault of petitioners, they cannot thus be denied benefit of their past service.

August 01, 2022

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No