

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16767-2022

Date of Decision: 03.08.2022

NIRMALA DEVI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* for setting aside/quashing order dated 13.02.2019, whereby she was transferred from Community Health Centre Kalayat, District Kaithal to Community Health Centre Uklana, District Hisar.

2. Grievance is that petitioner was earlier sent from Kaithal to Ambala for 60 days vide order dated 27.12.2018, followed by order dated 13.02.2019, impugned herein, vide which she was transferred to Uklana, District Hisar. However, the petitioner approached this Court by way of filing **CWP-2700-2019**, whereby vide order dated 31.01.2019, stay was granted on the impugned transfer order. The petitioner pursuant to non-compliance of order dated 31.01.2019, moved **CM-3448-CWP-2019**, whereby, vide order dated 13.03.2019, notice in the application was issued and the respondents were directed to comply with order dated 31.01.2019. Therefore, she joined her duties at Community Health Center, Kalayat. The petitioner thereafter obtained medical leave from 07.07.2022 to 08.08.2022 and she was informed by respondent No.6 on 25.07.2022 regarding her relieving from Community Center Kalayat, District Kaithal to Community Health Centre Uklana, District Hisar on resuming her duties after completing

medical leave. This Court vide order dated 11.05.2022 dismissed **CWP-2700-2019** stating that more than three years have passed since then and the petitioner has been continuing at Community Health Centre, Kalayat, District Kaithal by virtue of interim stay granted by this Court, which has already outlived its utility period and/or mitigating circumstances. Hence, the present petition.

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. Transfer being matter of administrative exigency, this Court generally refrains to interfere and treads cautiously, unless it is a case of malafide or 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 is an integral part of service conditions. Ordinarily, this Court would refrain to direct the respondent-authority to follow its policy unless there is an extreme administrative exigency and not to follow self-professed guidelines.

6. No grounds for interference are made out. Dismissed.

August 03, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No