

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

CWP-16033-2017 (O&M)

Date of decision: September 09, 2022

Namrita Dhar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for setting aside impugned order dated 27.06.2017 (Annexure P-3) *qua* respondent No.4, whereby transfer order of respondent No.4 has been cancelled and pursuant to said order, petitioner has been asked to relieve the charge from Primary Health Centre, Boh, District Ambala, and order dated 03.07.2017 (Annexure P-4) relieving the petitioner from PHC Boh and to join in Poly Clinic, Sector-10, Jhajjar. Further writ has also sought quashing of order dated 04.07.2017 (Annexure P-5) passed by respondent No.3, whereby, petitioner has been asked to be relieved from her duty at PHC, Boh.

2. Learned counsel for the petitioner submits that action of respondents No.1 to 3 is in violative of Articles 14 & 16 of the Constitution of India and against the transfer policy. Petitioner was pregnant and remained at a Hospital in Panchkula. She made a request and subsequently, she was

transferred against respondent No.4 keeping in view her long stay at a particular place. Now transfer order of respondent No.4 has been cancelled, due to which petitioner has been asked to be relieved at PHC, Boh.

3. On the other hand, learned State counsel opposes the petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. Notice of motion was issued way back on 25.07.2017 and no stay was granted on the impugned orders.

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 transfers vide orders dated 27.06.2017 (Annexure P-3), order dated 03.07.2017 (Annexure P-4) and order dated 04.07.2017 (Annexure P-5) do not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

7. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

September 09, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No