

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

**CWP-25507-2017(O&M)
Date of decision: 17.08.2022**

ANIL KUMAR

...Petitioner

versus

STATE OF HARYANA AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Aarti Sharma, Advocate for
Mr. Shalender Mohan, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned transfer order dated 02.11.2017 (Annexure P-4) vide which the petitioner has been transferred from Hisar to Gurugram.

2. Learned counsel appearing on behalf of the petitioner submits that the impugned order has been passed without taking into consideration the Government Policy dated 06.10.2004 (Annexure P5). She contends that petitioner is fully conscious that being a Government servant, he can be transferred but the same ought to have been done in accordance with the transfer policy. She further submits that reply is still awaited.

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

4. While issuing notice of motion vide order dated 09.11.2017, no stay was granted on the impugned transfer order. Therefore, petitioner would

have joined in Gurugram Depot and proceedings before this Court are rendered infructuous.

5. Moreover, 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 02.11.2017 (Annexure P-4) 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.

(ARUN MONGA)
JUDGE

August 17, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No