

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

CWP-19644-2022 (O&M)

Date of decision: September 02, 2022

Kavita Rani

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jainainder Saini, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of an appropriate writ prohibiting respondents to transfer petitioner from Hisar to Bhiwani vide impugned order dated 28.07.2022 (Annexure P-1). Same is stated to have been passed “on request”, whereas no such request was ever made by the petitioner.

2. Plead case is that petitioner joined services of the respondents on 03.12.2019 as Steno Typist (Hindi) in the District Family Welfare Officer, Hisar. Petitioner had been performing her work with due diligence and devotion. Suddenly on 28.07.2022, respondent No.2 transferred the petitioner to the office of Sub Divisional Civil Hospital, Siwani, CHC Miran, District Bhiwani with remarks “Request”, which petitioner never made. Petitioner made various representations in this regard. Petitioner is having an old mother-in-law and two minor daughters and has to look after them before/after her office hours.

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

4. I have heard rival contentions of the learned counsel for the parties and perused the record.

5. Ordinarily this Court would not have interfered in the impugned transfer order, since the transfer is a matter of routine exigency. However, given that transfer order reflects that the same has been passed on request, though it is not clear at whose request, but the learned counsel for the petitioner argues that it appears to be on request of the petitioner, which she never made. On a Court query, he apprises that pursuant to the transfer order, petitioner has already joined at the place of transfer, but she is facing extreme difficulty to travel everyday about 60 kilometres. Her daughters aged 9 years and 13 years are currently studying at Hisar, and remain unattended during her long absence for entire day, as well as, her 80 years old ailing mother-in-law. Learned counsel submits that petitioner has given various representations dated 28.07.2022, 01.08.2022 and 12.08.2022 (Annexure P-2 to P-4, respectively) pointing out that she never made any request for transfer, but the same have been given a complete go by.

6. Be that as it may, writ petition is disposed of with the expectation from the competent authority that, in case, transfer order has been passed due to some inadvertence or under impression that petitioner had made any such request, fresh decision be taken on the grievance of the petitioner, and/ or even otherwise, in case, no one has joined at the place of the petitioner and there is work requirement on the post in question, non-interference by this Court shall not preclude the competent authority to take fresh decision.

7. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

September 02, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No