

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

CWP-27962-2018 (O&M)

Date of decision: October 27, 2022

All Haryana Roadways Workers Union Registered and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.K.S. Brar, Additional AG Haryana.

Ms. Rajni Rohilla, Advocate for

Mr. Baldev Kapoor, Advocate for respondents No.4 to 7.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of Certiorari for quashing impugned order dated 05.09.2018 (Annexure P-9) passed by respondent No.2 whereby respondent No.4 was transferred from Hisar Depot, respondent No.5 was transferred from Panipat Depot, respondent No.6 was transferred from Nuh Depot, respondent No.7 was transferred from Sirsa Depot and respondent No.8 was transferred from Palwal Depot, to Jhajjar Depot.

2. Learned counsel for the petitioners submits that impugned transfer order is illegal, arbitrary, unjust and against the due procedure of law. He would submit that vide letter dated 29.05.2018 (Annexure P-3), the then Director General, State Transport, Haryana ordered that respondents No.4 to 8 including some other persons be suspended and were to be transferred temporarily from Jhajjar Depot to other depots. Disciplinary proceedings were also ordered to be

initiated against them. Pursuant thereto, vide letter dated 30.05.2018 (Annexure P-4), the then General Manager, Jhajjar Depot suspended the above mentioned respondents and transferred them to different depots. Above mentioned persons preferred CWP-14972-2018, which was disposed of vide order dated 01.06.2018 (Annexure P-5) with certain directions to the respondents. Respondents No.4 to 8 filed COCP-2070-2018, which was dismissed as withdrawn vide order dated 19.09.2018 (Annexure P-7), since order dated 01.06.2018 had been complied with. On the basis of report dated 22.06.2018 of the then General Manager, vide letter dated 20.07.2018 (Annexure P-8) issued by respondent No.2, respondents No.4 to 8 were held responsible for grave misconduct and they were transferred on permanent basis to various depots for smooth functioning of the Jhajjar Depot. Now, vide impugned non-speaking order/ letter dated 05.09.2018 (Annexure P-9), respondents No.4 to 8 have been transferred back to Jhajjar Depot. Hence the instant petition.

3. On the other hand, learned State counsel opposes the petition, arguing that transfer policy is merely directory in nature and guidelines contained therein are not mandatory in nature.

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

5. While issuing notice of motion, vide order dated 20.11.2018, no stay on the impugned transfer order was granted. However, transfer being matter of administrative exigency, this Court generally refrains to interfere and treads cautiously, unless it is a case of extreme hardship or *mala fide*. 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 transfer order dated 05.09.2018 (Annexure P-9) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

7. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

October 27, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No