

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

CWP-21673-2022 (O&M)

Date of Decision: 20.09.2022

Ajay Kumar

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner is *qua* his transfer order dated 14.09.2022 (Annexure P-6) from the District Horticulture Office, Panipat to Head Office, Panchkula.

2. Pledged case is that the petitioner, who is serving as District Horticulture Officer, has been transferred five times in the last two years, allegedly under the garb of administrative exigency or public interest.

3. On advance service, the learned State counsel appears and opposes the petition. He *inter alia* submits that at one time in past petitioner was merely given additional charge of another place, which too is being construed as transfer.

4. I have heard learned counsel for the parties and gone through 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 extreme hardship. The case in hand does not seem to be such so as to deserve any indulgence.

6. 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.

7. In the premise, the impugned order dated 14.9.2022 (Annexure P-6) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India. However, no interference by this Court will not preclude the petitioner to pursue his cause with his department. It is expected from the competent authority to verify the mitigating circumstances of the petitioner, if any, and if so warranted, pass an appropriate fresh order to mitigate his grievance.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

September 20, 2022

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No