

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

CWP-21717-2022 (O&M)

Date of decision: September 21, 2022

Surender Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for setting aside impugned transfer order dated 14.09.2022 (Annexure P-2) whereby, he has been transferred from Hisar to Sirsa alleging violation of transfer policy as well as conditions mentioned in the earlier transfer orders.

2. Learned counsel for the petitioner submits that action of the respondents in transferring the petitioner is illegal and arbitrary and in violation of transfer policy as well as conditions mentioned in earlier transfer orders. He submits that as per Chief Secretary's letter dated 18.11.2020 (Annexure P-3) transfer orders (including temporary transfer) of a Government employee of any Department/ Board/ Corporation/ University etc. (other than of IAS/ HCS officers) within the same or different station or from one Department/ office to another issued by the competent authority shall not be valid, if the same have not been issued through HRMS software. Transfer of the petitioner is also not as per HRMS software. He also submits that mother of the petitioner is not in a position to take care of herself since she is suffering from serious illness as in one strong storm, she got burnt in fire and her treatment is going on.

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. 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.
- Though there is bald assertion in the petition that mother of the petitioner is undergoing medical treatment owing to burn injuries, but no medical record in support thereof has been annexed to reflect as to what is the percentage of the burns and what is the serious nature of treatment, as is being canvassed in course of arguments.
6. In the premise, the impugned transfer order dated 14.09.2022 (Annexure P-2) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.
7. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

September 21, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No