

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

CWP-21686-2022 (O&M)

Date of Decision:20.09.2022

Dr. Rajesh Kumar Khyalia

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.S. Rathee, 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 10.09.2022 (Annexure P-2) from the O/o SMO/IC, Polyclinic, Pinjore, Panchkula to O/o CHC, Punhana, Mewat, District Nuh.

2. Plead case is that the petitioner, who is serving as Senior Medical Officer, has been transferred under the garb of administrative grounds or public interest without any complaint against him. Learned counsel for the petitioner argues that the transfer of the petitioner is against the transfer policy and he should be adjusted in the vicinity of the area where his wife is serving in the Govt. Service of the Haryana State.

3. On advance service, the learned State counsel appears and 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.

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 10.09.2022 (Annexure P-2) 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 representation and it is expected from the competent authority to verify the mitigating circumstances enumerated therein and if warranted, pass an appropriate fresh order, subject of course to the post being available in the vicinity of the current place of posting where wife of the petitioner is stated to be serving as Lecturer in Government College.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

September 20, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No