

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

CWP-23183-2022 (O&M)

Date of decision: October 10, 2022

Naresh Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Saurabh Dalal, 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 quashing transfer order dated 30.09.2022 (Annexure P-1) whereby petitioner has been transferred from the office of District Fisheries Officer, Charkhi Dadri, DFO Charkhi Dadri to the office of District Fisheries Officer, Hisar, DFO-cum-CEO, FFDA, Hisar.

2. Learned counsel for the petitioner submits that impugned transfer order has been passed only to accommodate respondent No.4, who is an influential person and politically oriented and has been transferred on her request. Respondent No.4 has been adjusted on a post which was not even vacant and on the other hand, petitioner has been transferred to a vacant post. Petitioner has also not completed 3 years at the current place of posting. Respondents have thus not followed the guidelines and provisions of the transfer Policy and impugned order has been passed in mid-year.

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. *Ex facie* disputed question of facts are involved which cannot be gone into on the basis of affidavits under the extraordinary writ jurisdiction.

Moreover, 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.

6. In the premise, the impugned transfer order dated 30.09.2022 (Annexure P-1) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

7. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

October 10, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No