

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

**CWP-25598-2022 (O&M)
Date of Decision: 10.11.2022**

Sumitra Devi	Versus	Petitioner
State of Haryana and others		Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Devender Arya, 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 relieving order dated 07.11.2022 (Annexure P-11), whereby petitioner has been transferred and relieved from HQ Buchawas, PHC Dhanoda (CHC Sehlang) to CHC Dochana (Narnaul).

2. Learned counsel for the petitioner submits that the petitioner is the only female member in the family and she is residing alone and her daughter is married and she is a single working woman and divorcee. He further submits that the petitioner is also suffering from Thyroid for the last 10 years and her treatment is going on. He further submits that on one hand respondent Department did not release the salary of the petitioner and not updated her HRMS, and on the other, has been transferred mid term in violation of the applicable transfer policy.

3. 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. 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. However, it is alleged by the petitioner that the transfer/relieving order is pre-emptive in nature since she insisted for payment of salary on time, which was not being paid for no fault of her and the impugned order has been passed as an outcome thereof.

6. Be that as it may, without commenting on the veracity of the allegation made by the petitioner, the respondents are expected to pay the salary of the petitioner on time subject to the verification, if the work has been rendered by the petitioner for the corresponding period.

7. In the premise, the impugned transfer/relieving order dated 07.11.2022 (Annexure P-11) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.

8. Disposed of, accordingly.

(ARUN MONGA)
JUDGE

November 10, 2022
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No