

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

CWP-28361-2022 (O&M)

Date of decision: December 09, 2022

Rinku

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Yadav, 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 seeking to set aside order dated 02.12.2022 (Annexure P-3), whereby he has been transferred to Panchkula from Rohtak, allegedly in violation of the transfer policy of the State Government.

2. Learned counsel for the petitioner submits that impugned transfer order has been passed against the policy/ notification dated 18.07.2019 (Annexure P-5) of the State Government. He has been transferred to a place, which is more than 240 kilometers away. Transfer of the petitioner has been done at the behest of respondent No.5. Earlier, petitioner was transferred to Rohtak on 06.01.2022, but now within a period of 11 months i.e., on 02.12.2022, petitioner has again been ordered to be transferred to Panchkula, where the petitioner had initially joined on the post of Clerk, on 16.03.2018.

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. 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 02.12.2022 (Annexure P-3) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction.
7. Disposed of, accordingly.
8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

December 09, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No