

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

CWP-35254-2019

Date of decision: 08.04.2022

KUSHAL PAL AND ANR

...Petitioners

versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Himanshu Sharma, Advocate for
Mr. Dalbir Singh, Advocate,
for the petitioners.

Mr. Pankaj Midda, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of certiorari to quash transfer order dated 23/25.07.2019 (Annexure P-1) vide which they have been transferred.

2. Learned counsel for the petitioners submits that the impugned order is in violation of the online transfer policy and in any case, due to delay in relieving, is liable to be set aside and the posting of the petitioners be restored at district Jail Yamuna Nagar instead of District Jail, Jind qua petitioner No.1 and Central Jail Hisar-II qua petitioner No.2.

3. On the other hand, learned State counsel submits that petitioners cannot challenge the transfer order on the basis of delay in relieving as the same had occurred due to multiple litigations involved in the matter and the model code of conduct.

4. I have heard learned counsel for the parties and gone through the case file.

5. No stay was granted when the petition was filed on 04.12.2019 to impugn the transfer order. It is too belated to seek the said relief at this stage. In any case, 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. No grounds to interfere are made out. Dismissed.

(ARUN MONGA)
JUDGE

April 08, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No