

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(248)

CWP-19354-2021

Date of decision:- 30.01.2023

Manjit

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karan Singh, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed for issuance of a writ in the nature of certiorari quashing impugned advertisement, Annexure P-22, qua post at Sr. No.10, i.e., Pharmacist under the Nation Health Mission Programme, Haryana on contract basis. Another prayer has been made to direct the respondents to allow the petitioner to work at CHC, Gohana, District Sonapat in view of the peculiar facts.

At the outset, State counsel submits that the petitioner was posted at CHC, Gohana on deputation and by order dated 13.04.2021, Annexure P-20, all the inter district deputations of contractual staff of NHM were cancelled. He submits that the petitioner unsuccessfully challenged this order by way of CWP-8969-2021, which has been dismissed by this Court vide order dated 06.12.2022 holding as under:-

“Petition herein, inter alia, is for issuance of a writ in the nature of certiorari for quashing impugned office order dated 13.04.2021 (Annexure P-20) qua the petitioner vide which deputation of the petitioner was cancelled.

2. *While issuing notice of motion, vide an order dated 29.04.2021, status quo regarding the petitioner was ordered to be maintained at her present place of posting. More than 1½ years have passed since then. However, petitioner has been continuing at Community Health Centre (CHC) Gohana, District Sonapat by virtue of interim stay granted by this Court. Interim stay has already outlived its utility period and/ or mitigating circumstances, if any.*

3. *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 or not to transfer an official, is sole discretion of the employer based on the administrative exigencies. Not doing or doing so is not a punishment, rather is an integral part of service conditions.*

4. *In the premise, the impugned order dated 13.04.2021 (Annexure P-20) does not call for any interference from this Court in exercise of its extraordinary writ jurisdiction vested under Article 226 of Constitution of India.*

5. *Dismissed.”*

It is his submission that as the petitioner is now required to go back to her original place of posting, she has no locus to challenge the advertisement, Annexure P-22, whereby the vacant post of Pharmacist at CHC, Gohana has been advertised. He submits that, in any case, the petitioner has applied pursuant to the advertisement and her application will be duly considered.

In view of the above development, there is no merit in the petition.

At this stage, counsel for the petitioner has invited the attention of the Court to application dated 20.08.2021, Annexure P-23, submitted by the

petitioner, whereby she has requested that she be appointed on the said post at Gohana. Counsel has requested that her case be considered sympathetically.

In view of the above, writ petition is disposed of. This Court does not have any doubt that the application submitted by the petitioner will be duly considered as those of other applicants.

30.01.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No