

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

CWP-2992-2022

Date of decision: 17.02.2022

SOMVIR GREWAL AND ANOTHER	...Petitioners
V/S	
STATE OF HARYANA AND OTHERS	...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Singh Dhull, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to absorb the petitioners in soil conservation cadre from the dates when their juniors have been absorbed vide order dated 23.01.2020.

2. It is pleaded that petitioners were appointed as Agriculture Development Officer. Vide order dated 30.12.2016, department invited option for regular absorption in Soil Conservation Cadre. Eight candidates were permanently absorbed in Soil Conservation Cadre vide letter dated 23.01.2020 (Annexure P-5) but not the petitioners. Petitioners submitted their consent and their request was duly forwarded to the Director General. Petitioners filed representations dated 12.03.2020 and 17.03.2020 but to no avail. Hence, the instant petition.

3. Learned Senior counsel argues that juniors to petitioners have been absorbed whereas petitioners have been ignored. He contends that petitioner No.1 was at Sr. No.503 in the seniority list and petitioner No.2 was at Sr. No.789.

4. Bare perusal of office order dated 30.12.2016 (Annexure P-1) vide which applications have been invited for absorption in soil conservation cadre shows that said absorption is neither a promotion nor a selection nor is there any right vested in the petitioners qua the same so as to seek transfer/absorption on the basis of seniority of merit.

5. Neither in the petition it has been pleaded nor in the course of arguments, it has been shown as to which Service Rule has been violated so as to seek indulgence of this Court by way of issuance of a writ in the nature of certiorari and/or mandamus to quash the impugned order.

6. Transfer/absorption 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/absorption 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.

7. No grounds to interfere are made out. Dismissed.

(ARUN MONGA)
JUDGE

February 17, 2022
vandana

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