

CWP-3146-2024

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2024:PHHC:019779

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-3146-2024

Date of decision : 13.02.2024

Sudesh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Himani Kapila, Advocate for the petitioner.

Ms.Palika Monga, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 24.11.2023 (Annexure P-8) passed by respondent no.3 whereby the petitioner has been transferred from SCRB, Moginand, Panchkula to Fatehabad.

2. Learned State counsel has submitted that in view of the law laid down by the coordinate Bench of this Court in **CWP-1927 of 2021** titled as **"Raman Sharma vs. State of Haryana & Others"** decided on 12.03.2021 in which reference has been made to various judgments, it is settled proposition of law that transfer of an employee is within the domain of the employer and no employee can claim continuance at a particular place of posting and that the transfer is an exigency of service and thus, the petitioner would have no legal right moreso, she has been transferred along with three other employees.

3. Learned counsel for the petitioner has submitted that the petitioner has given representation dated 17.12.2023 (Annexure P-12) in which the medical problem being faced by the petitioner has been detailed

and has made a limited prayer to the extent that the said representation dated 17.12.2023 be considered by respondent no.3 in a sympathetic manner and in case pleas of the petitioner are found to be meritorious, then necessary relief be granted to the petitioner and in case the pleas are not found to be meritorious, then the same be rejected by passing an order and the petitioner undertakes not to challenge the said order.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.3 to consider the representation dated 17.12.2023 (Annexure P-12) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of one month from the date of the receipt of certified copy of the present order and in case, after considering the same, the plea of the petitioner is found to be meritorious, then appropriate decision regarding the same be taken and in case, the plea of the petitioner is not found to be meritorious, then it would be open to respondent no.3 to reject the same by passing an order. As undertaken by learned counsel for the petitioner in case of rejection, the petitioner would not challenge the said rejection as the petitioner does not have any legal right to stall her transfer in view of the law laid down in *Raman Sharma's* case (supra).

5. It is made clear that this Court has not opined on the merits of the case and the competent authority of respondent no.3 would consider and decide the representation independently, in accordance with law.

(VIKAS BAHL)
JUDGE

February 13, 2024
Davinder Kumar