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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-17094-2024

Date of decision: 24.07.2024

MANGE RAM

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

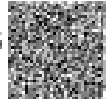
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Siddharth Sanwaria, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

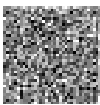
1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 13.07.2024 (Annexure P-4) and the subsequent process carried out as the same has been issued in violation of the guidelines and procedure to effect the transfer of employees with a further prayer to direct the respondents to retain the petitioner at Kurukshetra.

2. Learned counsel for the petitioner submitted that the petitioner has been frequently transferred and the same was done with a *mala fide* reason. In this regard he referred to Annexure P-1, wherein initially the petitioner was working as SSA at Naraingarh and he was transferred to Kurukshetra on 10.03.2023. Thereafter, vide Annexure P-2 dated 06.06.2024, he was transferred from Naraingarh to Jhajjar and vide Annexure P-3 dated 11.07.2024, he was



again transferred from Jhajjar to Kurukshetra but thereafter, vide the impugned order dated 13.07.2024 (Annexure P-4), the transfer of the petitioner has been cancelled.

3. On the other hand, Mr. Ashish Yadav, Advocate, appears on behalf of respondents No.2 and 3 and submitted that he has received an advance copy of the present writ petition and he has gone through the same and also sought instructions. He further submitted that the petitioner has concealed material facts from this Court because vide Annexure P-1, when he was transferred from Naraingarh to Kurukshetra on 10.03.2023, he did not join at Kurukshetra at all and that is why he was again transferred on 06.06.2024 vide Annexure P-2 from Naraingarh to Jhajjar and the same is reflected from Annexure P-2 itself that he has been transferred from Naraingarh to Jhajjar but he has not stated so in the petition that he did not join for about one year in pursuance of the order passed by the respondent-Nigam vide Annexure P-1. He further submitted that vide aforesaid Annexure P-2 dated 06.06.2024 when the petitioner was transferred from Naraingarh to Jhajjar, he joined his duty on 10.06.2024 at Jhajjar. Thereafter, vide Annexure P-3 dated 11.07.2024, just after about one month the petitioner was transferred from Jhajjar to Kurukshetra but since the petitioner was transferred just after about one month, which was an inadvertent mistake, vide Annexure P-4 dated 13.07.2024, the aforesaid inadvertent mistake was rectified by the respondent-Nigam, whereby the petitioner has been restored back at Jhajjar and he is still working at Jhajjar and therefore, the present writ petition is not only misconceived but is also not maintainable in the eyes of law. He further submitted that so far as the transfer of the petitioner is concerned, it



is an incidence of service and in the absence of any strong *mala fide* or any arbitrariness, the same may not be interfered with.

4. I have heard the learned counsels for the parties.
5. From the facts of the case it has become clear that it is not a case that the petitioner has been frequently transferred. Rather when Annexure P-1 dated 10.03.2023 was passed, the petitioner did not even join at Kurukshetra and he was transferred from the place of his initial posting i.e. Naraingarh to Jhajjar vide Annexure P-2. However, vide Annexure P-3 dated 11.07.2024, an order was passed whereby the petitioner was transferred from Jhajjar to Kurukshetra but since the aforesaid order Annexure P-3 was passed just after about one month, the same was withdrawn vide Annexure P-4 dated 13.07.2024, which is the impugned order in the present case. Therefore, this Court is of the considered view that it is not a case of any frequent transfer rather the respondent-Nigam has rectified its own mistake.
6. In view of the above, the present writ petition is hereby dismissed.

24.07.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No