



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

118

**CWP-11318-2025
Date of decision: 25.04.2025**

BHARTI

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sandeep Sharma, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the impugned order dated 18.04.2025 vide which the petitioner had been transferred from Rohtak to Chandigarh allegedly in violation of the policy of 28.08.2023.

2. Learned Counsel appearing on behalf of the petitioner vehemently argues that the petitioner is an old lady aged 41 years and is residing alongwith her parents. It is even though contended by the Counsel for the petitioner that she is judicially separated from her husband since 2013, however, on being asked to show any specific document to establish the same, he fairly concedes that no order of judicial separation has been passed by any competent Court of law so far. He contends that the petitioner, however, has ceased relationship with her husband and is taking care of her



14 year old child as a single parent. He contends that in the Online Transfer Policy, she could not take the benefit of 10 marks including 05 marks for judicially separated/widowed persons. He thus contends that the case of the petitioner ought to be reconsidered sympathetically for being posted at Rohtak as her parents and son are dependent on her.

3. Learned State Counsel, on instructions from Mr. Rakesh Gupta, Deputy Superintendent, Department of Labour, Haryana, on an advance notice, submits that the petitioner herself filled in all the requisite columns and furnished the documents in support of the weightage being claimed by her. There was no disclosure of any order of judicial separation and hence, she was not entitled to the marks as are being claimed by her. She further contends that the person who has been posted at Rohtak (the place where the petitioner is now seeking a transfer) is 100% blind and had secured above 63 marks as compared to the 52 marks secured by the petitioner. It is submitted by her, that even if the benefit of 10 marks is given to her, without conceding to the same and only for the sake of arguments, yet, she would be below the person who was being posted at Rohtak.

4. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

5. Even though the Counsel for the petitioner has placed heavy reliance on an argument of judicial separation of the petitioner from her husband, however, a perusal of the judgment and decree dated 22.01.2018 appended alongwith the present case shows that only a petition had been



preferred by her husband under Section 13 of the Hindu Marriage Act for seeking dissolution of the marriage and the same was dismissed by the Court. Invariably, the petitioner did not want any severance of the marital status. Further, no order of judicial separation has been passed under Section 10 of the Hindu Marriage Act, 1955 as would establish the entitlement of the petitioner to the claim of the said benefit. The specific expression for grant of the benefit having been mentioned as the judicial separation, hence, any voluntary act or a circumstantial act of the spouses living separately would ordinarily not fall within the domain of a judicial separation as understood in the legal sense. The expression “Separation” having been pre-qualified “Judicial”, the same has to be read in its meaning as assigned under the applicable statute viz. the Hindu Marriage Act, 1955. The acceptance of arguments advanced by the Counsel for the petitioner would tantamount to diluting the expression “Judicial” and render it nugatory. In the absence of any challenge to the Online Policy, such an exercise would amount to enlarging the scope of the petition before this Court since the petitioner himself is seeking the benefit under the said policy without raising any challenge to the Clause mentioned thereunder.

6. Be that as it may, even comparative merit has been examined. The person who is being placed at Rohtak (the place where the petitioner wants herself to be posted) suffers from 100% blindness, hence, he would, in any case, be on a greater merit as compared to the convenience of the petitioner. Thus, even on comparative equity basis, the prayer of the petitioner cannot be accepted. Besides, Counsel for the petitioner has not been able to demonstrate that the transfer order dated 18.04.2025 is in any manner violative of the Online



CWP-11318-2025

-4-

Transfer Policy. In the absence of any breach of the policy of transfer as notified by the respondents, an exception cannot be carved out for the reasons set out in the present writ petition. The same is accordingly **dismissed**.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 25, 2025
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No