



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

108

CWP-17800-2025 (O&M)

Date of decision: 03.07.2025

Hari Chand Dahiya

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Mr. Sumit Sangwan, Advocate for the petitioner(s).

VINOD S. BHARDWAJ, J. (Oral)

1. Challenging the order of transfer dated 10.06.2025 whereby the petitioner has been transferred from Faridabad to Sirsa, the instant writ petition has been filed.
2. Learned counsel for the petitioner has vehemently argued that consequent upon his promotion as Joint Director on 25.10.2023, the petitioner was posted at the Municipal Corporation, Faridabad, where he joined on 30.10.2023. An order of transfer was thereafter passed on 05.12.2023, directing the petitioner to join at Deen Bandhu Chhotu Ram University of Science and Technology, Murthal, Sonipat. He contends that the said transfer order was issued consequent to the petitioner highlighting anomalies in the payment of amounts pertaining to the Sewage Treatment Plant and various other bills raised, without execution of the corresponding works, in respect of which FIRs had later been registered by the Police as well as the Anti-Corruption Bureau. The said order of transfer, according to the petitioner, was actuated by extraneous considerations on account of the



petitioner having highlighted the scam, thereby compelling him to approach this Court by filing CWP-27678-2023, wherein vide order dated 08.12.2023, the impugned transfer order dated 05.12.2023 was stayed. Eventually, the said transfer order was cancelled by the State, whereupon the writ petition was disposed of as having been rendered infructuous vide order dated 15.01.2025. Having failed to succeed in the said attempt, the respondent-State has now passed a fresh order dated 06.06.2025, endorsed on 10.06.2025, transferring the petitioner to Chaudhary Devi Lal University, Sirsa, purportedly on administrative grounds.

3. Learned counsel contends that the said order of transfer has been passed with *malafide* intent and is actuated by the same extraneous considerations and grievances against the petitioner for having highlighted irregularities in the payments by the Municipal Corporation (M.C.), Faridabad. A further emphatic argument has been advanced with respect to the personal exigencies and hardships to be faced by the petitioner, including his prevailing family circumstances. He further submits that since the impugned order of transfer has been passed mid-session, he would thereby be precluded from participating in the subsequent online transfer drive. In any event, he argues that his right to be considered for participation in the said online transfer drive ought to be duly protected.

4. I have heard the learned counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the instant petition, with his able assistance.

5. Notwithstanding the fact that the petitioner was earlier ordered



to be transferred on 05.12.2023 from M.C. Faridabad to Deen Bandhu Chhotu Ram University of Science and Technology, Murthal, Sonipat, which order of transfer was challenged by the petitioner and was subsequently stayed, culminating in the withdrawal of the said order of transfer by the State, it cannot, however, be reasonably contended that the alleged malice would persist even two years thereafter. The petitioner is an officer in the Audit Department and it is infact the work profile of the department to audit the works undertaken and the payments made by respective State agencies.

6. Learned counsel for the petitioner was confronted with the fact that, even though a contention has been raised alleging that the order of transfer is actuated by malice, however, there is neither any specific allegation of malice against an individual nor has any person been impleaded as a party by them, who could be reasonably suggested to possess the influence necessary to manoeuvre the petitioner's transfer. The plea of mala fide intention cannot act as a perennial shield to operate indefinitely in favour of the petitioner against all subsequent administrative acts and to view all administrative order under lens. Merely because the earlier transfer order was stayed, it cannot be presumed that all later acts would also be malacious. The circumstances surrounding the said earlier transfer were somewhat distinct, inasmuch as the order dated 05.12.2023 had followed in quick succession to the objections and observations recorded by the petitioner in November 2023 regarding alleged wrongful payments to the tune of approximately Rs.200 crores by the officials of M.C. Faridabad



without execution of the corresponding work(s). In that context, some inferences may have been legitimately drawn by a Court, however, such leverage is no longer available.

7. Further, in so far as the familial circumstances of the petitioner are concerned, it is well settled that transfer is an incidence of service, and such personal or familial considerations are commonly present among all employees. The same cannot be invoked as a determinative argument to perpetually restrain the administrative authority of the Government from exercising its discretion for the optimal utilisation of the human resources available at its command.

8. Now, advertent to the aspect of whether the petitioner would be entitled to participate in the next online transfer drive, it is observed that the online transfer drive or the policy applicable to the said department has not been placed on record. Be that as it may, in the event that an online transfer policy has been adopted by the department and duly approved by the competent authority, the claim of the petitioner for participation in the ensuing online transfer drive shall be duly considered by the administrative authority, in accordance with the provisions enshrined in such online transfer policy.

9. **The present petition is accordingly dismissed at this stage with directions as aforesaid.**

(VINOD S. BHARDWAJ)
JUDGE

03.07.2025

Mangal Singh

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