



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

237

CWP-21251-2024

Date of decision: 25.02.2025

RAHUL SHARMA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

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Present: - Mr. Sunil K. Nehra, Advocate with  
Mr. Rahil Mahajan, Advocate,  
Mr. Viren Nehra, Advocate,  
Mr. Arjun Dosanj, Advocate and  
Mr. Akash Gahlawat, Advocate  
for the petitioner.

Mr. P.C. Goyal, Addl. A.G. Haryana.

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**VINOD S. BHARDWAJ, J. (Oral)**

The petitioner has approached this Court raising a challenge to the order dated 17.07.2024 (Annexure P-3) vide which the petitioner has been transferred from Tohana, District Fatehabad and also challenging the order dated 26.07.2024 (Annexure P-4) whereby additional charge of the Water Services Division, Tohana has been handed over to the private respondent No.3.

2. Learned Counsel appearing on behalf of the petitioner contends that the respondent-State has notified an Online Transfer Policy as per which the maximum period of stay of a person in a Division is 03 years and 06



years in a Circle. He contends that the petitioner is working as an Executive Engineer. Vide order dated 27.06.2023, the petitioner was transferred from Bhiwani to Tohana, Water Services Division, District Fatehabad. However, the respondents passed the impugned order of transfer of the petitioner from Tohana, Water Services Division to (as Executive Engineer, CDO II, Engineer-in-Chief, IWRD) Panchkula dated 17.07.2024. Under the head 'remarks' it was mentioned as a 'temporary attachment for salary purposes' and final posting order was to be issued later after receiving the proposal from the Department.

3. Vide order dated 26.07.2024, the additional charge of the post of Executive Engineer, Water Services Division, Tohana, District Fatehabad was given to one Navdeep Sangwan, Executive Engineer, CADA Division, Hisar. He submits that this transfer order has thus been passed within a period of 1 year and 1 month, which is in violation of the statutory online transfer policy. He contends that similar issue was already considered by this Court vide judgment dated 16.01.2025 passed in **CWP-3-2025** titled as ***"Vijay Garg versus State of Haryana and others"*** and the transfer orders in violation of the Online transfer policy has been set aside.

4. Counsel for the respondent-State on the other hand refers to the written statement and contends that even though the applicability of the said judgment is not in dispute, however, there were certain verbal complaints against the work and conduct of the petitioner and that the transfer was accordingly required to be undertaken for administrative reasons. It is further pointed out that the Tohana, Water Services Division is a crucial assignment



since it is responsible for smooth running of all circulation channels and distributaries besides maintaining the operations of Bhakra Canal. He further submits that there is a power of relaxation that is vested with the State and that the order of transfer has been passed on account of administrative exigencies and taking into consideration the complaints that has been received against the petitioner.

5. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents available on record.

6. The primary ground taken for passing of the order of transfer is defiance of orders of civil administration as well as higher officers of the respondent-Department by the petitioner. The respondent-State is, however, withholding the details with respect to the alleged orders that have been passed by the civil administration or by the higher authorities which have been defied. There is also no mention of the date, period, nature of the order and as to why such oral orders have not been followed by written communication notwithstanding the specific mandate in this regard. Besides, the order of transfer does not refer to any such oral complaint and as such, the reasons are apparently being supplanted through the written statement, which is impermissible.

7. While advertng to the fact that there is a utmost urgency for ensuring circulation channel and distributaries in the Water Services Division, Tohana, the fact that the respondent-State have given additional charge of the post itself defeats their own argument of utmost significance of the same. Under such circumstances, it would have ordinarily required that a

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regular charge of the post be given. Even though this Court does not dispute that the power of relaxation is specifically provided for under the said policy, however, the same requires a prior approval of the Chief Minister and for recording reasons justifying such relaxation. There is no such reference as to what were the reasons for making out justification for relaxation of the transfer policy and even as to whether the prior approval had been taken from the Chief Minister or not. The essential documents have thus not been produced for judicial examination and scrutiny.

8. Since the learned Counsel for the respondent-State does not dispute that the judgment passed by this Court would be applicable, I deem it appropriate to allow the instant petition in terms to the judgment dated 16.01.2025 passed in **CWP-3-2025** titled as “**Vijay Garg (supra)**”.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**FEBRUARY 25, 2025***Vishal Sharma*

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