

2025:PHHC:112266



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

**CWP-24717-2025
DECIDED ON:25.08.2025**

SANTRA AS SENIOR NURSING OFFICER

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.K. Liberhan, Advocate
 for the petitioner.

SANDEEP MOUDGIL, J

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* and *mandamus* for quashing of the transfer order dated 14.08.2025 (Annexure P-2) passed by respondent No.2 – Director General Health Services, Haryana, whereby the petitioner has been transferred from District Civil Hospital, Charkhi Dadri to CHC Bhainswal Kalan, District Sonapat.

2. Learned counsel for the petitioner submits that the petitioner's transfer has been effected without her consent and allegedly under political pressure. It is further contended that no complaint has been received against her and that neither she nor the department had moved any application for transfer. It is submitted on behalf of the petitioner that her husband is a half-body paralyzed patient and is also suffering from heart and blood pressure-

related ailments. The petitioner is also stated to be taking care of her 90-year-old father.

3. Perusal of the record reveals that the petitioner, in fact, submitted a representation dated 18.08.2025 to the competent authority requesting reconsideration of her transfer, primarily on compassionate grounds. However, without waiting for any decision on the said representation, the petitioner has approached this Court.

4. It is a settled proposition of law that if an employee makes a representation against a transfer order, it is incumbent upon the employee to await the outcome of such representation before invoking the writ jurisdiction of this Court. The instant petition has been filed in haste without allowing sufficient time for the competent authority to take a decision on the representation, which amounts to bypassing the administrative process, and the writ petition would be considered premature.

5. Similarly, in *Shilpi Bose v. State of Bihar, 1991 Supp (2) SCC 659*, the Hon'ble Supreme Court reiterated that transfer is an incident of service, and unless it is shown to be malafide or in violation of statutory rules, courts should not ordinarily interfere.

6. In the present case, no malafide or violation of any statutory provision has been demonstrated. The transfer appears to be an administrative decision. Moreover, the petitioner has already availed of an alternative recourse by filing a representation, which is pending consideration.

7. Accordingly, this Court is of the considered view that the present writ petition is **premature** and not maintainable at this stage, hence, the same is dismissed.

8. However, it is made clear that the competent authority shall consider the representation dated 18.08.2025 (Annexure P-4) in accordance with law and take an appropriate decision expeditiously, preferably within a period of **four weeks** from the date of receipt of certified copy of this order.
9. Pending applications, if any, shall also stand disposed of.

25.08.2025
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(SANDEEP MOUDGIL)
JUDGE

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