

an emergency response force entrusted with duties of firefighting, rescue operations and disaster management, which require technical proficiency, discipline and coordinated functioning.

Contentions

On behalf of the petitioners

3. Learned counsel for the petitioners submits that the impugned policy is wholly inapplicable to the petitioners' cadre, which is operational in nature and stands on a distinct footing from administrative and ministerial services.

4. It is contended that the duties discharged by the petitioners require familiarity with local geography, infrastructure and coordinated team functioning, and any frequent transfers under an automated system would adversely affect efficiency and public safety.

5. Counsel further submits that the Haryana Fire and Emergency Services Act, 2022 read with the Rules of 2016 occupies the field relating to service conditions of the petitioners, and therefore, the impugned policy cannot be enforced upon them in derogation of the statutory scheme.

6. It is also argued that the impugned policy results in treating unequals as equals, thereby violating Articles 14 and 16 of the Constitution of India. The petitioners claim a legitimate expectation that their service conditions would be regulated in accordance with the statutory framework and not altered by executive instructions.

On behalf of respondent/State

7. Per contra, learned counsel for the respondent—State appearing on advance notice submits that the present writ petition, as the impugned policy is neither arbitrary nor unconstitutional and does not violate Articles 14, 16 or 309 of the Constitution of India. It is further submitted that the petitioners were initially

appointed under earlier service rules, which now stand repealed, and their service conditions are presently governed by the Haryana Fire (Group-C) Service Rules, 2016 and the Haryana Fire and Emergency Services Act, 2022, under which, by virtue of Rule 18, every member of service is liable to serve at any place as directed by the appointing authority, thereby clearly negating any claim to a fixed posting. It is averred that transfer is an incidence of service and does not confer any vested right upon an employee to remain at a particular station, and the impugned policy has been framed in exercise of valid executive powers to ensure transparency, fairness and administrative efficiency through a uniform, objective and technology-driven mechanism.

8. It is argued that the settled law laid down by the Hon'ble Supreme Court in "**Union of India vs. S.L. Abbas**" (1993) 4 SCC 357 and reaffirmed in "**S.K. Nausad Rahman vs. Union of India**", 2022(12) SCC 1 as well as by this Court in "**Gaurav Wadhwa vs. State of Haryana**", LPA-983-2025 decided on **19.08.2025** clearly holds that transfer is an incident of service and judicial interference is warranted only in cases of mala fides or statutory violation, neither of which is made out in the present case. It is further submitted that the policy, notified on 23.05.2025, is a comprehensive framework ensuring rational distribution of employees based on objective criteria such as tenure and merit, and is fully compliant with constitutional principles.

9. It is specifically averred that the Department had duly published the list of applicable cadres on 23.10.2025 and notified the qualifying date as 31.10.2025, which were never challenged by the petitioners at the relevant time, and despite being afforded an opportunity to raise objections vide letter dated 26.12.2025, no objections were submitted, rendering the present challenge an afterthought hit by acquiescence.

10. Lastly, it is submitted that the transfer process is already at an advanced stage, namely choice filling, forming part of an 8-stage structured process, and any interference at this juncture would seriously prejudice administrative functioning and disrupt the entire system-driven exercise

Analysis

11. Upon hearing learned counsel for the parties and on perusal of the record, this Court finds that the challenge raised by the petitioners is wholly unsustainable both on facts as well as in law.

12. The principal contention of the petitioners that the Model Online Transfer Policy, 2025 ought not to be applied to the cadre of Leading Firemen and Fire Operators on account of the specialised nature of their duties and requirement of local familiarity, is misconceived, inasmuch as the governing statutory framework, including the Haryana Fire (Group-C) Service Rules, 2016 and the Haryana Fire and Emergency Services Act, 2022, clearly stipulates that members of the service are liable to serve at any place as directed by the competent authority and no vested right to remain posted at a particular station can be claimed; the plea that operational efficiency would be adversely affected due to transfers is a matter of administrative assessment and policy domain and cannot be a ground for judicial interference. The analogy sought to be drawn with police personnel is equally misplaced, as classification in service matters based on administrative exigencies is permissible and no arbitrariness or hostile discrimination has been demonstrate; on the contrary, the submissions of learned counsel for the respondent–State merit acceptance, as the impugned policy is a uniform, transparent and technology-driven mechanism framed to ensure rational distribution of manpower and administrative efficiency; further, the settled position of law is that transfer is an incidence of service and judicial review is

limited only to cases of mala fides or violation of statutory provisions, neither of which has been established in the present case.

13. It is also significant that the petitioners failed to challenge the policy or the inclusion of their cadre at the relevant stage and did not avail the opportunity to raise objections during the process, and have approached this Court only when the transfer drive has reached an advanced stage, thereby rendering the petition an afterthought and hit by acquiescence; thus, no ground is made out to interfere with the impugned policy in exercise of writ jurisdiction.

Conclusion

14. In view of the aforesaid analysis, this Court finds no merit in the present writ petition. Accordingly, the present writ petition is dismissed.

15. Pending applications, if any, also stand disposed of.

07.03.2026

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No