

2026:PHHC:046134



119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6858-2026
DECIDED ON: 09.03.2026

KARAMJIT AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Shruti Jain Goyal, Advocate with
Ms. Sheena Dahiya, Advocate
for the petitioner.

SANDEEP MOUDGIL, J

Prayer

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the impugned communications dated 20.02.2026 (Annexures P-8 to P-8K), whereby the petitioners have been excluded from the Online Transfer Drive initiated under the Model Online Transfer Policy, 2025, and for a consequential direction to permit their participation therein.

Brief Facts

2. The petitioners were initially appointed on various Group C/D posts (RME staff) between the years 1992 to 2005 in the Public Health Engineering Department, Haryana. It is not in dispute that they were subsequently entrusted with Current Duty Charge (CDC) of the post of Junior Engineer (Civil) vide order dated 04.01.2018 and have continued to discharge such duties. It is the case of the

petitioners that they were treated as Junior Engineers for various administrative purposes and were even considered in earlier transfer drives. However, during the Online Transfer Drive under the Model Online Transfer Policy, 2025 (MOTP-2025), they were excluded vide impugned letters dated 20.02.2026 on the ground that they were not holding the post on a regular basis.

3. Aggrieved thereof, the present writ petition has been filed.

Contentions
On behalf of the petitioners

4. Learned counsel for the petitioners contends that the impugned action of the respondents in excluding the petitioners from the Online Transfer Drive is wholly arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India, inasmuch as the petitioners, who have been continuously discharging the duties of Junior Engineer (Civil) on independent Current Duty Charge since 04.01.2018, have been singled out without any rational basis.

5. It is argued that the petitioners had a legitimate expectation to be considered in the transfer process under the Model Online Transfer Policy, 2025, as they have consistently been treated as Junior Engineers for all functional and administrative purposes, including deputation for mandatory training meant for Junior Engineers, participation in earlier transfer drives under the 2020 policy, and even their initial inclusion and categorization as voluntary/deemed/protected employees in the ongoing transfer process. The sudden exclusion during the subsistence of the process defeats such legitimate expectation and renders the action manifestly arbitrary. It is further submitted that the policy itself provides an exhaustive framework governing transfers and does not contemplate exclusion of employees holding posts on Current Duty Charge, and therefore the respondents could not have introduced such exclusion by way of executive interpretation.

7. The impugned action is also assailed on the ground that it creates an anomalous and discriminatory situation whereby the posts held by the petitioners are treated as vacant for the purpose of transfer and displacement, while the petitioners themselves are denied participation in the same process, thereby placing them in an impermissible administrative limbo. Emphasis is laid on the fact that the petitioners have been holding the said charge for nearly eight years and have been continuously entrusted with statutory and technical responsibilities, yet their exclusion has been effected mechanically without any application of mind or consideration of relevant factors, and without affording any opportunity of participation, thereby offending the principles of fairness in administrative action.

8. Lastly, it is contended that the relief sought by the petitioners is limited and equitable in nature, as they do not seek regularization or promotion but only seek to either be permitted to participate in the transfer drive or for exclusion of the posts held by them on Current Duty Charge from the purview of the transfer process, in accordance with the governing policy.

Analysis

9. Having heard learned counsel for the parties and perused the record, this Court is of the considered view that no case for interference by this Court in exercise of writ jurisdiction is made out herein.

10. The foundational premise of the petitioners' claim rests upon the fact that they have been discharging the duties of the post of Junior Engineer on Current Duty Charge basis since the year 2018. However, it is a settled position of law that conferment of Current Duty Charge or Look After Charge is purely a stop-gap arrangement and does not vest any right to hold the post or claim parity with a regularly appointed incumbent. In "***State of Haryana v. S.M. Sharma***," 1993 AIR 2273; the Supreme Court held that a person placed in a higher

post on an officiating or current duty basis does not acquire any right to the post nor can he claim benefits attached to such post. The same principle has been reiterated by the Apex Court in “*State of Karnataka v. Umadevi*,” (2006) 4 SCC 1; wherein it was held that temporary or ad hoc arrangements cannot be a source of claiming substantive rights in public employment. The petitioners admittedly do not hold the post of Junior Engineer in a substantive or regular capacity in accordance with the applicable service rules, and therefore cannot claim parity with regular cadre employees for the purposes of transfer under a policy governing such cadre.

11. The contention based on legitimate expectation is also misconceived. Legitimate expectation cannot operate against express policy provisions or in the absence of a legal right. Merely a certain past practice adopted by the department or administrative convenience, even if assumed, cannot crystallize into an enforceable right, particularly when the petitioners’ placement on the higher post itself is not in accordance with the statutory recruitment or promotion mechanism. Similarly, the plea that the petitioners were initially included in the transfer process does not advance their case, as any inadvertent or erroneous inclusion, once corrected, does not confer any vested right upon them to continue in the process.

12. Moreover, the Model Online Transfer Policy, 2025 is intended to regulate transfers within the regular cadre, and the distinction drawn between regular incumbents and those holding posts on Current Duty Charge is based on a reasonable classification having nexus with the object sought to be achieved by the policy, namely, orderly cadre management and administrative efficiency. The petitioners, therefore, cannot invoke Articles 14 and 16 of the Constitution to claim equal treatment with unequals.

13. It is also observed that the scope of judicial review in administrative matters pertaining to transfer is very limited, and unless the action is shown to be arbitrary, mala fide or in violation of statutory provisions, interference of the Court is unwarranted. In the present case, no such infirmity has been demonstrated by the petitioner.

Conclusion

11. In view of the above, this Court finds that the petitioners, being holders of Current Duty Charge, have no enforceable right to seek participation in the Online Transfer Drive meant for regular cadre employees. The impugned action does not suffer from any illegality or arbitrariness warranting interference under Article 226 of the Constitution of India.

12. Accordingly, the present writ petition is dismissed with no order as to costs.

13. Pending applications, if any, shall also stands disposed of.

09.03.2026
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(SANDEEP MOUDGIL)
JUDGE

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