



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-22796-2025

Date of Decision : August 18, 2025

KRISHAN KUMAR

.....Petitioner

*VERSUS*

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Anurag Goyal, Advocate for the petitioner.

Mr. Varun Gupta, Advocate and  
Mr. Sourabh Mohunta, DAG, Haryana.

Mr. Amit Parasher, Advocate and  
Ms. Manju, Advocate for respondent No.3(through VC).

\*\*\*\*

**ASHWANI KUMAR MISHRA, J. (Oral)**

1. This writ petition has been filed challenging the transfer policy appended with the notification dated 25.07.2023 as well as the order of transfer dated 30.07.2025. So far as the policy contained in the notification dated 25.07.2023 is concerned, the learned counsel for the respondent-State has placed before the Court a subsequent notification dated 23.05.2025, whereby the policy contained in the notification dated 25.07.2023 has been recalled. In that view of the matter, the challenge to the transfer policy notified on 25.07.2023 loses its significance. The writ petition, therefore, is confined to the challenge to the transfer order dated 30.07.2025.

2. Before we refer to the order of transfer, it would be relevant to take note of certain facts relating to the present controversy. The petitioner as well as respondent No.3 both were initially appointed as Horticulture Development Officer in the Agricultural and Farmers Welfare Department of the State of Haryana. The petitioner came to be promoted on 26.07.2018 from his erstwhile post of Horticulture Development Officer to the post of District Horticulture Officers/Trainers/Subject Matter Specialist/Nursery Specialist/Medicinal & Aromatic Plant Specialist/Micro Irrigation Specialist/Water Manager Specialist/Food Technologists. The petitioner has joined and has been transferred from time to time to various posts, which have been indicated in the promotion order dated 26.07.2018.

3. So far as the private respondent is concerned, he too has been promoted in a similar fashion and has been transferred from one post to another.

4. By the order impugned, the petitioner who is presently posted as District Horticulture Officer, Yamuna Nagar has been transferred to the post of Subject Matter Specialist at Kurukshetra. By the same order, 3<sup>rd</sup> respondent, who was posted as District Horticulture Officer, Ambala has been transferred to District Horticulture Officer, Yamuna Nagar. The order of transfer is challenged on the ground that the service conditions of the petitioner are governed by the provisions of Haryana Horticulture (Group B) Service Rules, 1998. These rules have been framed under the proviso of Article 309 of the Constitution of India. Rule 3 refers to number and character of posts, which is reproduced hereinunder:-

“3. The service shall comprise the posts shown in Appendix A to these rules:

*Provided that nothing in these rules shall affect the inherent right of the Government to make additions to, or reductions in, the number of such posts or to create new posts with different designations and scales of pay, either permanently or temporarily.”*

5. Our attention has been invited to Appendix A, which is reproduced hereinunder:-

Appendix-A  
(See rule 3)

Sr. No.	Designation of posts	Number of posts Permanent	Temporary	Total	Scale of pay
1	2	3	4	5	6
1.	Superintendent, Horticulture, Yadvindra Garden, Pinjore.	1	-	1	Rs.6,500-200-8,500-EB-200-10,500
2.	District Horticulture Officer	4	14	8	Rs.6,500-200-8,500-EB-200-10,500
3.	Superintendent, Horticulture, Kishanpura (Jind).	-	1	1	Rs.6,500-200-8,500-EB-200-10,500
4.	Fruit Specialist	-	1	1	Rs.6,500-200-8,500-EB-200-10,500
5.	Vegetable Specialist	-	1	1	Rs.6,500-200-8,500-EB-200-10,500
6.	Floriculturist	-	1	1	Rs.6,500-200-8,500-EB-200-10,500
7.	State Sericulture Officer	-	1	1	Rs.6,500-200-8,500-EB-200-10,500

6. Learned counsel for the petitioner submits that the posts included in Appendix A are separate posts and would indicate existence of 7 separate cadre for the 7 posts included in Appendix A. It is contended that the promotion order dated 26.07.2018 is contrary to the Rules of 1998 in so far as the posts not included in Appendix A have been included so as to allow the intermingling of the candidates occupying the posts in Appendix A with posts which are not included in Appendix A. It is, therefore, urged that the petitioner cannot be transferred to the post of Subject Matter Specialist which is not a post shown in Appendix A.

7. The learned State counsel, on the other, contends that the cadre of District Horticulture Officer includes the post of Subject Matter Specialist. However, no provision has been shown to the Court in the applicable service Rules, which may indicate that the post of District Horticulture Officer has been sub-divided so as to include in it the post of Subject Matter Specialist.

8. Learned counsel for the private respondent although supports the stand of the State but contends that if the Rules are to govern the transfer *stricto sensu* then even 3<sup>rd</sup> respondent could not have been posted on a post not included in Appendix A.

9. From the facts noticed above, it transpires that the Haryana Horticulture (Group B) Service Rules, 1998 continues to govern the service conditions of those who are posted to any of the posts specified in Appendix to the Rules of 1998. Although it is urged by the learned State counsel that the cadre of District Horticulture Officer includes other posts also but such submission cannot be entertained in view of the fact that the Rules of 1998 are

not shown to have been amended so as to include any further posts within the post of District Horticulture Officer.

10. The petitioner's substantive appointment is on the post of Horticulture Development Officer. Once he is promoted to any of the cadres included in the Rules of 1998, the State authorities while effecting the order of promotion could not have promoted the petitioner and other similarly placed persons to a post which did not form part of the Appendix A. It would only be the posts included in Appendix A which would be governed by the Rules of 1998. It is not in issue that the petitioner is governed by the provisions of the Rules of 1998. Unless Appendix A is amended so as to include any other post, it would not be open for the State to transfer a person to a post, which is not included in the cadre created under the Rules of 1998. It would thus not be open for the State to transfer the petitioner to a post which does not form part of Appendix A.

11. As a matter of fact, the promotion and transfer of each employee of the cadre must be with reference to any of the specified posts in Appendix A, even if we treat all posts in Appendix A to constitute a composite cadre in view of their common scale of pay, qualification and criteria of appointment etc. The impugned order of transfer dated 30.07.2025 transferring the petitioner to a post which is not part of Appendix A to the Rules of 1998 i.e. Subject Matter Specialist, therefore, cannot be sustained.

12. In that view of the matter, the writ petition is allowed. The order of transfer dated 30.07.2025 is set-aside. Liberty stands

reserved to the respondent-State to pass a fresh order of transfer in respect of the petitioner and respondent No.3, keeping in view the observations made above.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**August 18, 2025**

*ajaysharma*

**(ROHIT KAPOOR)**  
**JUDGE**

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No