



CWP-629-2025

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

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Date of Decision: 14.01.2025

Sonal

.....Petitioner

Versus

Chaudhary Charan Singh Haryana Agricultural University

.....Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sardavinder Goyal, Advocate, &
Mr. Nishant Sindhu, Advocate, for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *Certiorari* quashing the order dated 04.01.2025, Annexure P-12, issued by the respondent/University, whereby the petitioner has been transferred to Krishi Vigyan Kendra (KVK), Sirsa.

2. Learned counsel for the petitioner contends that the petitioner is four months pregnant and is facing serious medical issues on that account. She was appointed as Computer Programmer at KVK, Sirsa, and was posted at the University campus at Hisar before her transfer to KVK, Yamunanagar, vide order dated 27.11.2024, Annexure P-7. The same was challenged by her by filing CWP-34172-2024, which was disposed of vide order, dated 19.12.2024, Annexure P-10, on a statement having been made by learned counsel for the University that it had decided to reconsider the matter and not to give effect to the transfer order dated



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27.11.2014 *qua* the petitioner. A fresh decision accordingly would be taken to post her in any of the KVKs after considering her representation and the medical grounds mentioned therein. Pursuant thereto the impugned order, dated 04.01.2025, has been passed whereby the petitioner has been posted to KVK, Sirsa, instead of KVK, Fatehabad, the station preferred by her and where a post is lying vacant also.

3. Learned counsel further contends that considering the petitioner's medical condition, she should have been posted to the nearest place from her residence, i.e., Hisar. Despite the post being vacant at Fatehabad, she was not transferred there only on the ground that as per instructions issued by the Director, ICAR-ATARI, Zone-II, dated 11.11.2024, all KVK employees were required to be transferred to their respective KVKs from where they had been drawing salaries. And the petitioner being from KVK, Sirsa, was posted there. However, this ground of transfer is not sustainable since vide the impugned order the respondents have themselves transferred another Computer Programmer-Baby Phogat (who is from KVK, Hisar), to the vacant position in a different district, i.e., KVK, Fatehabad, vide order dated 04.01.2025, Annexure P-13. This also shows the University has given undue favour to her. Besides, the order is illegal being violative of instructions issued by the Director, ICAR-ATARI.

4. Heard.

5. The petitioner undisputedly was initially appointed as Computer Programmer at KVK, Sirsa, and had been posted at quite a distance at KVK, Yamunanagar. Considering her medical condition and the statement made before this Court by the respondents on 19.12.2024, the

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earlier transfer order dated 27.11.2024, whereby she was transferred to KVK, Yamunanagar, was reconsidered and she was adjusted at a nearby place/KVK, Sirsa. Merely because a post of Computer Programmer was lying vacant at another nearby station, Fatehabad, it would not give her a right to seek transfer against the same. Additionally, the impugned order, dated 01.04.2025, has been passed keeping in view the instructions issued by Director ICAR-ATARI, Zone-II, requiring the University to post the employees in their respective KVKs from where they have been drawing salaries. So far as challenge to the transfer order of another Computer Programmer-Baby Phogat dated 04.01.2025 is concerned, this Court is not inclined to test its validity since the person concerned has not been impleaded as a party-respondent to this petition. Further, transfer is an incidence of service, and the petitioner has no vested right to seek posting at a particular station. No *mala fide* has been established against the respondents which could render the impugned order illegal.

5. In view of the above, there is no ground to entertain the petition and the same stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

14.01.2025
anil

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