

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.216 OF 2015

[Dinanath Prasad s/o Baijnath Prasad .vs. Union of India and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for the petitioner,
Ms. Pathak, counsel h/f Shri R.G. Deo, ASGI for the respondents.

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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 08, 2015.

By this petition, the petitioner challenges the order of posting of the petitioner, dated 23.6.2014, as also the advance movement order, dated 19.12.2014, asking the petitioner to locate himself in the State of Assam in a non-family zone.

The petitioner was employed in the Armed Forces since 30.4.1991 and was posted at Nagpur. By an order, dated 23.6.2014, the petitioner was transferred to a regiment located in the State of Assam in a non-family zone. The petitioner was directed to move to the place of transfer on 10.8.2014. According to the petitioner, 84 years old father of the petitioner was taking treatment in Command Hospital, Lucknow, as he was a cancer patient. The petitioner, therefore, made a representation to the respondents to post the petitioner near Lucknow on compassionate ground. The request of the petitioner was rejected, by an order dated 30.9.2014 and the petitioner was served with an advance movement order asking him to proceed on permanent posting in the State of Assam. Since the father of the petitioner was suffering from carcinoma, the petitioner had filed the instant petition for the aforesaid relief. In the circumstances of the case, the petitioner has challenged the orders dated 23.6.2014 and

19.12.2014 asking the petitioner to join the permanent posting in the State of Assam.

Ms. Pathak, the learned counsel holding for Shri R.G. Deo, the learned ASGI for the respondents, states that the cause for filing the writ petition and seeking a posting near Lucknow would not survive, in view of the subsequent development. It is stated that the father of the petitioner has expired during the pendency of the writ petition and there is no reason for the petitioner for not joining the posting in the State of Assam. It is stated that the subsequent development has rendered the cause for filing the writ petition as infructuous.

On a reading of the writ petition and on hearing the learned counsel for the respondents, we find that the cause for filing the writ petition would not survive in view of the subsequent development. There is no reason for quashing and setting aside the impugned orders, as the petitioner had declined to join in the State of Assam and had sought for a posting in or near Lucknow as his father was taking treatment near Lucknow. Since the father of the petitioner is no more, the relief sought by the petitioner cannot be granted.

In the circumstances of the case, the writ petition is dismissed, with no order as to costs.

JUDGE

JUDGE