

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.22210 of 2015(O&M)

Date of decision: 29.10.2015

D.S.Sangwan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Sanjeev Kodan, Advocate for the petitioner.

Mr. Anil Rathee, Addl. Advocate General, Haryana and
Mr. Saurabh Girdhar, Assistant Advocate General, Haryana

G.S.SANDHAWALIA, J, (Oral)

Civil Misc. No.14253 of 2015

Prayer made in the present Civil Misc. Application for placing on record and grant of exemption from filing certified and true typed copy of order dated 19.10.2015 (Annexure P/9) is allowed.

The Civil Misc. Application stands disposed of accordingly.

**Civil Misc. No.14254 of 2015 &
Civil Writ Petition No.22210 of 2015**

The challenge in the present writ petition is to the order dated 30.9.2015 which was communicated to the petitioner on 19.10.2015 (Annexure P/9) and the petitioner was directed to resume his duty at Government Polytechnic, Sirsa failing which disciplinary action would be taken against him in spite of the fact that earlier transfer order to Sirsa had been quashed by this Court.

It is apparent that the transfer order of the petitioner from Jhajjar to Sirsa has been quashed in Civil Writ Petition No.9170 of 2015 decided on 20.7.2015(Annexure P/1). The Letters Patent Appeal No.1169 of 2015 filed by one Mr. Lalit Verma was disposed of on 13.8.2015 and the order dated 20.7.2015 has been upheld (Annexure P/7). In spite of that communication dated 30.9.2015 (Annexure P/9) has been addressed that the petitioner cannot join back at Jhajjar on the basis of the Court order and he has been directed to resume his duty at Government Polytechnic, Sirsa.

Notice of motion.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana accepts notice on behalf of the respondents.

Counsel for the petitioner submits that copy of the writ petition has already been supplied to the counsel for the State.

Mr. Daljit Singh, Senior Lecturer, Government Polytechnic, Jhajjar is present in person. He will immediately seek instructions as to withdrawal of order dated 30.9.2015 failing which respondent no.2 shall be present in person in Court at 3.00 PM today itself.

October 29, 2015

**(G.S.SANDHAWALIA)
Judge**

In compliance of the earlier order of even date passed in the morning session, Mr. Subhash Chander, Director General, Department of Technical Education, Haryana has come present in the Court. He has placed on record a copy of order dated 29.10.2015, whereby the earlier order dated 30.9.2015 (Annexure P9) has been withdrawn and the Principal of the Government Polytechnic, Jhajjar has been asked to give joining to the petitioner w.e.f. 31.7.2015 in view of the order passed by this Court on 20.7.2015 in Civil Writ Petition No.9170 of 2015 vide which the transfer order of the petitioner was quashed.

Mr. Rathee has assured this Court that in view of the remedial action taken, the petitioner will be paid all the arrears of salary which are due to him within two weeks as it is pointed out that in pursuance of the transfer order, which was impugned, he had joined at Sirsa also.

In view of the assurance given out by the learned State counsel, the present petition has been rendered infructuous and is disposed of accordingly.

October 29, 2015

Pka

**(G.S.SANDHAWALIA)
Judge**