

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.2227 of 2015

Date of Decision: February 11, 2015

Purushendra Kumar

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE RAJ MOHAN SINGH.

Present:Mr.Jagdeep Jaswal, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is working as Deputy Chief Controller of Explosives in the Ministry of Commerce and Industry, Petroleum and Explosives Safety Organization. He came to be posted at Chandigarh on 28.09.2010 and now vide order dated 28.01.2015, has been transferred to Chennai. The petitioner challenged his transfer order before the Central Administrative Tribunal, Chandigarh Bench, on various grounds, but owing to its limitation to interfere with a simpliciter transfer order, the Tribunal has turned down the challenge.

During the course of hearing, learned counsel for the petitioner points out that there exists various mitigating circumstances which would justify the petitioner's continuation at Chandigarh atleast for a short duration till the end of September, 2015.

Having given our thoughtful consideration, it appears to us that the hardship, if any, faced by an official on account of his/her transfer in administrative exigency, can be well appreciated only by the Competent Authority and the existence of mitigating circumstances alone would not render the order justiciable. We, therefore, dispose of this writ petition with liberty to the petitioner to submit a representation to the Competent Authority highlighting such exceptional circumstances. We are sanguine that notwithstanding the observations made by the Tribunal it being duty bound to do so while passing a reasoned order, the Competent Authority shall consider the petitioner's representation sympathetically and uninfluenced of those observations.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 11, 2015
Mohinder

[RAJ MOHAN SINGH]
JUDGE