

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.48 of 2015
Date of Decision : 6.1.2015

Sushil Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Devender Punia, Advocate for the petitioner.

...

1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Learned counsel for the petitioner refers to the order dated 21.10.2013 passed by this court in his earlier writ petition bearing CWP No.23029 of 2013 and consequent transfer orders dated 7.11.2013 (Annexure P-8) and dated 10.1.2014 (Annexure P-9), to contend, inter alia, that owing to the serious health problem being faced by the petitioner, he was posted at Hisar only in the month of January 2014. He further submits that his wife is also serving as a teacher near Hisar.

Learned counsel for the petitioner submits that keeping in view the peculiar facts and circumstances of the case, he does not intend to press this writ petition for a writ in the nature of Certiorari, for the time being. He submits that given an opportunity, petitioner shall approach respondent no.2 by moving an appropriate representation within a period of one week from today

and respondent no.2 may be directed to consider and decide the grievance of the petitioner on abovesaid two issues namely; serious ailment of the petitioner as well as posting of his wife near Hisar, so as to allow the petitioner to continue at Hisar, till he is recovered from his ailment.

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, Chief Administrator, Haryana Urban Development Authority, Sector 6, Panchkula-respondent no.2 is directed that if the petitioner approaches him by moving an appropriate representation within a period of one week from today, he shall consider and decide the same at an early date and take a sympathetic view of the matter, by passing an appropriate order, in accordance with law, but in any case within a period of 'three weeks' from the date of receipt of representation from the petitioner.

However, till the Chief Administrator, HUDA-respondent no.2 decides the grievance of the petitioner, the impugned transfer order dated 31.12.2014 (Annexure P-1) shall be kept in abeyance only qua the petitioner. Respondent no.2 shall be at liberty to decide the matter at an earlier date as well.

With the abovesaid observations made and directions issued, the present writ petition stands disposed of.

6.1.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE