

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

CWP No. 15415 of 2013 (O&M)

Date of decision : 28.1.2016

Rishi Raj Gautam

.. Petitioner

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Abhishek Sethi, Advocate, for the petitioner.
Mr. Naveen Kaushik, Additional Advocate General, Haryana.
Mr. Arvind Singh, Advocate, for respondent no. 4.
Mr. Pankaj Bali, Advocate, for respondent no. 6.

Rajesh Bindal, J.

The petitioner claiming himself to be a whistle blower, approached this Court seeking a direction to the Chief Secretary, Haryana, to take action against respondent nos. 4 to 6 in the matter of corruption. Further prayer was made not to act upon the D.O. Letter written by Civil Surgeon, Karnal, recommending the transfer of the petitioner.

It is not in dispute that during the pendency of the present writ petition, the matter was investigated and FIR was registered against respondent nos. 5 and 6. The trial is still pending. Some departmental proceedings are also stated to be in progress. As a result of the recommendation made by respondent no.4, the petitioner was transferred from Karnal to Sonapat on 27.9.2013. The prayer of the petitioner is now that once the allegations made by him in the petition have been proved, his transfer being malafide deserves to be set aside.

The stand of the official respondents is that even the petitioner is not that clean as he is claiming himself to be. There had been earlier enquiries against him also. He was transferred earlier also on complaints. The charge against respondent no.4, who recommended the transfer of the petitioner, was not proved.

After hearing learned counsel for the parties and considering the fact that the petitioner was transferred from Karnal to Sonipat on 27.9.2013, he is there for the last more than two years, I do not find any reason to set aside the order and transfer back the petitioner to Karnal as some other person may have joined at his place. However, the competent authority shall consider and transfer the petitioner from the present place of posting to any other suitable place in the forthcoming general transfers.

The writ petition stands disposed of.

28.1.2016

vs

(Rajesh Bindal)

Judge