

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

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**CWP No.20422 of 2015
DECIDED ON: 1.8.2016**

NARINDER KUMAR

.. Petitioner

VS.

BBMB AND OTHERS

.. Respondents.

CORAM: HON'BLE MR. JUTICE P.B.BAJANTHRI

Present: Mr. A.K. Jain, Advocate
for the petitioner.

Mr. Iqbal Singh Saggu, Advocate
for the respondents.

P.B.BAJANTHRI, J. (ORAL)

Written statement filed on behalf of the respondents is
taken on record.

In the present petition, the petitioner has prayed as
follows:-

- i) issuance of a writ in the nature of mandamus
directing the respondents to withdraw the
impugned notices dated 27.9.2013 (Annexure P-
8), 9.9.2014 (Annexure P-9), 4.12.2014
(Annexure P-11) and 4.9.2015 (Annexure P-14)
since the repatriation order dated 30.7.2013
(Annexure P-2) issued by BBMB stood
withdrawn vide letter dated 28.1.2014 (Annexure
P-6).

- ii) Further directing the respondents to release the salary of the petitioner w.e.f. 1.8.2013 to 28.1.2014.

On 30.7.2013, the petitioner's services have been repatriated to his parent department-Irrigation Department while he was on deputation to BBMB. Consequently, show cause notice were issued for eviction of the BBMB employees' accommodation. The petitioner instead of submitting his reply to the show cause notice, he has prayed for withdrawal of show cause notice as well as the repatriation order. Repatriation order to be withdrawn since on 28.1.2014 (Annexure P-6) at the behest of the Irrigation Department communication dated 15.11.2013, BBMB issued a fresh posting to the petitioner within the BBMB i.e. Nangal. The order dated 28.1.2014 would be a prospective therefore the petitioner is not prevented from submitting his reply to the show cause notice or final order relating to eviction of house accommodation. In the absence of any interim order in respect of show cause notice the same cannot be entertained for quashing. It is premature to quash the impugned notices. Even for seeking withdrawal of the impugned notices by the respondent, the petitioner has not made out a case. Since his repatriation order dated 30.7.2013 has not been set aside or recalled but he has been given internal posting in the BBMB on the request of the Irrigation Department on 28.1.2014.

At this stage, learned counsel for the BBMB submitted that final eviction order has been passed on 28.1.2014. The petitioner

has remedy of appeal, he has to exhaust the same.

In view of later developments the petition do not survives for consideration. However, this order will not come in the way of challenging the order dated 28.8.2014 eviction order before appropriate forum in respect of the accommodation given to the petititoner in Talwara. The petitioner has been posted to Nangal therefore, he is bound by the eviction order, however, the petitioner is permitted to make necessary appeal before the appellate authority. The present order will not influence appellate authority in deciding the appeal.

August 01, 2016
SwarnjitS

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned:- Yes

Whether Reportable:- No