

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

**CWP No.21730 of 2016
Date of decision: 20.10.2016**

Makhan Singh

... Petitioner

Vs.

Commissioner, Appeals, Jalandhar Division, Jalandhar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of present writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Learned counsel for the petitioner submits that although the second Transfer Application bearing MA-9 of 2016 (Malook Singh Vs. Sub Divisional Magistrate-cum-AC 1st Grade, Batala) (Annexure P-5) was not warranted at all, in view of the earlier order dated 15.03.2016 (Annexure P-4) passed by the Deputy Commissioner, Gurdaspur, yet the same is not being finally adjudicated upon by the Commissioner, Appeals, Jalandhar-respondent No.1. He further submits that a manifest injustice is being caused to the petitioner by moving repeated Transfer Applications, at the hands of respondent No.3 and the respondent authorities are also not appreciating this material aspect of the matter, in the correct perspective. He also submits that petitioner will be

satisfied in case respondent No.1 is directed to look into the matter and take an early decision on the Transfer Application (Annexure P-5) pending before him either on the date already fixed i.e. 03.11.2016 or within a reasonable period thereafter.

Having heard the learned counsel for the petitioner and without expressing any opinion on merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of, with a direction to Commissioner, Appeals, Jalandhar Division, Jalandhar-respondent No.1 to consider the abovesaid grievance raised by the petitioner, which prima facie seems to be genuine and decide the Transfer Application bearing MA-9 of 2016 (Malook Singh Vs. Sub Divisional Magistrate-cum-AC 1st Grade, Batala) (Annexure P-5) at an early date, either on the date already fixed i.e. 03.11.2016 or within a period of two weeks thereafter, by passing an appropriate order thereon, however, strictly in accordance with law.

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

[RAMESHWAR SINGH MALIK]
JUDGE

20.10.2016
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No