

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

CWP No.3912 of 2016

Decided on : 11.03.2016

Romesh Garg

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. R.K. Arora, Advocate for the petitioner.

Mr. Aman Bahri, Addl. AG, Punjab.

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed for challenging the order of transfer dated 15.02.2016 (Annexure P-7). As per the impugned order, the petitioner has been transferred to Municipal Corporation, Moga to Municipal Corporation Jalandhar, in spite of the fact that he had to retire on 29.02.2016.

While staying the impugned order, this Court on 26.02.2016 noticed the reasons on account of which the transfer order had apparently been passed. The order reads as under:-

“Inter-alia submits that the petitioner was not granted first extension which was challenged before this Court and he was successful in Letters Patent Appeal No. 1088 of 2015 and accordingly he was granted extension till 29.2.2016 vide order dated 18.1.2016 (Annexure P/4). The same was only due to the fact that the petitioner had to file COCP No.2659 of 2015. The petitioner submitted an application dated 1.2.2016 (Annexure P/5) that he does not wish to avail second extension while working on the post of Senior Town Planner in the Municipal Corporation, Moga. However, vide impugned order dated 10.2.2016 (Annexure P/7), the petitioner has been transferred to Municipal Corporation, Jalandhar in spite of the fact that he is to retire on 29.2.2016.

Notice of motion for 11.3.2016.

Mr. R.S.Sidhu, Assistant Advocate General, Punjab accepts notice on behalf of respondents and prays for time to file reply.

Let the needful be done before the next date.

Requisite copies of the writ petition be supplied to the counsel for the State during course of the day.

In the meantime, the transfer order dated 10.2.2016 (Annexure P/7) shall remain stayed and the petitioner shall be allowed to retire from his post from the Municipal Corporation, Moga.

Copy of this order be supplied to the counsel for the petitioner under the signature of the Court Secretary of this Court.”

Keeping in view the abovesaid order, it is apparent that the present writ petition has become rendered infructuous. Counsel for the petitioner, however, points out that a formal order of retirement has not been passed.

However, keeping in mind the fact that the order of transfer apparently was totally illegal and arbitrary at that point of time, this Court is of the opinion the petitioner needs to be further protected from harassment, as he has now retired. Accordingly, a direction is issued that his retiral dues shall be paid to him within a period of 2 months from the date of receipt of the certified copy of this order, in case there is no legal impediment.

With the abovesaid observations, the present writ petition stands disposed of.

MARCH 11, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE