

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.6180 of 2016

Date of Decision: April 01, 2016

Sidheshwar Upadhyay

....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Sidheshwar Upadhyay-petitioner-in-person.
Mr.Brijeshwar Singh Kanwar, Advocate, for UOI.

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1. *Whether Reporters of Local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Brijeshwar Singh Kanwar,
Advocate, accepts notice on behalf of the respondents.

Let two copies of the writ petition be supplied to
counsel for the respondents during the course of day failing
which this order shall be automatically recalled and the writ
petition shall be deemed to have been dismissed for non-
prosecution.

In view of the nature of order which we propose to
pass, it is not necessary to seek any counter-reply from the
respondents at this stage.

The petitioner is working as a civilian Driver in the
Indian Army. He was posted at Bathinda when vide the
impugned transfer/movement order dated 20.04.2015 (A-3) he

has been shifted to Pathankot Unit. The petitioner felt hurt, as according to him, it was not a transfer ordered in administrative or public interest, rather the foundation of the transfer order was some misunderstanding/minor dispute between him and his neighbours living in the residential quarters. The petitioner accordingly challenged the transfer order before the Central Administrative Tribunal, Chandigarh Bench. No sooner the Tribunal was going to dismiss the Original Application, petitioner's counsel withdrew the same keeping in view the interest of his client and thus the Original Application was dismissed as withdrawn on 19.02.2016. The petitioner later on changed his mind and moved an application before the Tribunal to recall the order dated 19.02.2016 and decide the Original Application on merits. That application has been dismissed by the Tribunal vide the impugned order dated 10.03.2016.

The petitioner has been heard in person.

The petitioner appears to be harbouring under the impression as if his transfer order is for a reason other than the administrative interest. While it is not expedient for the Court to interfere with the transfer order, nonetheless it is the duty of senior officers to accord hearing to the aggrieved employees like petitioner so that they can ventilate their grievances. We are sure that the Commanding Officer at Bathinda shall sympathetically consider the request of the petitioner to retain him at Bathinda and/or at a nearby place, within the policy framework. This writ petition is thus disposed of with a direction that let the petitioner be heard within one week and his grievance is redressed to the extent possible.

We are informed that no salary has been paid to the petitioner since long period. It is directed that if there is no legal impediment, let the petitioner's salary be released as denying the salary must be causing more hardship to the petitioner's wife and children. Wherever the authorities find it difficult to accede to the request of the petitioner, let the same be conveyed to him in writing.

The writ petition stands disposed of accordingly.

Let a copy of this order be given dasti under the signatures of the Bench Secretary to the petitioner as well as learned counsel for Union of India for information and necessary compliance.

[SURYA KANT]
JUDGE

April 01, 2016
mohinder

[P.B.BAJANTHRI]
JUDGE