

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

LPA No.34 of 2016 (O & M)
Date of decision: 18.11.2016.

Vijay Kumar Syal Appellant.

Versus

State of Punjab and others Respondents.

CORAM: HON'BLE MR. JUSTICE S.S SARON
HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Vijay Kumar Syal-appellant in person.

Mr. P.P.S. Thethi, Addl. AG, Punjab
for the respondents.

S.S SARON, J.

The Letters Patent Appeal has been filed by the appellant - Vijay Kumar Syal against the order dated 08.01.2016 passed by the learned Single Judge in CWP No.312 of 2016.

The appellant was appointed to the Punjab Civil Services (Executive Branch) on 05.08.2011 from Register A-II as provided for in terms of the Punjab Civil Services (Executive Branch) Rules, 1976. He was appointed retrospectively in the Batch of 1994. Being aggrieved against his frequent transfers from one post to the other or from one station to the other, he initially filed a writ petition i.e. CWP No.12130 of 2015 in this Court. At the time of filing the petition, he was posted as Sub Divisional Magistrate, Faridkot with additional charge of District Transport Officer, Faridkot and Assistant Commissioner Grievances at the same station. His transfer order had been passed on 26.12.2014; however, he was again posted/

transferred as Sub Divisional Magistrate at Dharkalan District Pathankot on 28.05.2015. He was given additional charge as Land Acquisition Collector, Shahpur Kandi and also as Deputy Commissioner (Resettlement and Rehabilitation) Ranjit Sagar Dam Project, Shahpur Kandi against the vacant post on 28.05.2015. The appellant assailed the said order dated 28.05.2015 transferring him from Faridkot as Sub Divisional Magistrate, Dharkalan and also the subsequent order giving him the additional charge. An interim stay was granted to the petitioner by this Court while issuing notice of motion on 01.06.2015 for 01.07.2015.

The said writ petition i.e. CWP No.12130 of 2015 was pending at the time of disposal of the petition out of which the present appeal arises and the interim order was operative. As a consequence of the interim order, the petitioner continued to remain posted as Sub Divisional Magistrate at Faridkot with the additional charge of District Transport Officer, Faridkot.

The appellant while at Faridkot was by the impugned order dated 07.12.2015, endorsed on 17.12.2015, passed by the Chief Secretary, Government of Punjab posted as Executive Magistrate, Faridkot against a vacant post due to administrative requirements and in public interest. The Deputy Commissioner, Faridkot vide order dated 04.01.2016 gave additional charges of the posts of Sub Divisional Magistrate and District Transport Officer, which the appellant had been holding, to Shri Harjit Singh, PCS in addition to his own assignment as Sub Divisional Magistrate, Kot Kapura.

The appellant, therefore, assailed the order dated 07.12.2015 passed by the Chief Secretary, Punjab by way of CWP No.312 of 2016 out of which the present appeal arises. The learned Single Judge considered the various contentions raised on behalf of the appellant and by impugned order dated 08.01.2016 dismissed the petition in limine.

During the pendency of the appeal, it was stated by the appellant on 27.10.2016 that during his service he had been transferred as many as sixteen times with the maximum posting of six months as Sub Divisional Magistrate at Banga. He was a disabled person and was to retire on 31.07.2016; however, being a disabled person he is to retire on 31.07.2018. He stated that he had served two months' notice seeking voluntary retirement from service which is to expire on 09.12.2016. It was stated that he was posted as Executive Magistrate, Faridkot and he had not been given posting befitting his status and none of his colleagues who were officers in the State of Punjab were working as Executive Magistrates.

Mr. P.P.S.Thethi, Addl. AG, Punjab had taken time to verify the position and seek instructions.

The grievance of the appellant that primarily survived was that he should be given the facilities to which he was entitled in his service. Mr. P.P.S. Thethi, Addl. AG, Punjab has filed affidavit of Shri Malwinder Singh Jaggi, IAS, Deputy Commissioner, Faridkot, which is to the effect that as per instructions received from the office of Advocate General, Punjab that the petitioner (sic. -

appellant) be provided with serviceable vehicle and a driver; besides, office staff be also provided forthwith so that he retires gracefully. In compliance with the order, it is submitted that the appellant has been provided with a serviceable vehicle, driver, office staff and work by the Deputy Commissioner, so that he gets full dignity and retires from service gracefully. An order dated 11.11.2016 (Annexure R) to the said effect had been passed, which is placed on record.

The appellant appearing in person submits that he is satisfied with the order and that the LPA may be disposed of accordingly.

In the circumstances, keeping in view the order dated 11.11.2016 (Annexure R) passed by the Deputy Commissioner, Faridkot the Letters Patent Appeal is disposed of.

(S.S SARON)
JUDGE

(LISA GILL)
JUDGE

18.11.2016
A.Kaundal

Whether speaking/reasoned : Yes

Whether reportable : No