

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.1985 of 2016

Date of decision: June 06, 2017

Sh. K.Z. Khan

...Petitioner

Versus

H.L. Chaudhary

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Kiran Ahlawat, Advocate for
Mr. A.K. Upadhyay, Advocate for the petitioner.
Mr. Lokesh Sinhal, Advocate for the respondent.

Rajan Gupta, J.

Petitioner alleges violation of order dated 30.11.2012, passed by the writ court.

It appears, petitioner had impugned the order transferring him from UP Zonal Office to Odisha Zonal Office, Bhubaneswar. During the course of hearing of the petition, conduct of the petitioner was highlighted before the writ court. It observed that it did not appreciate the conduct of the petitioner as he had been filing various complaints to different authorities against officials of the Corporation. The writ court also observed that this kind of indiscipline could not be tolerated. However, taking a compassionate view, the writ court restored status quo ante regarding the transfer of the petitioner from UP Zonal Office to Odisha Zonal Office, Bhubaneswar. The relevant part of the order reads as under:-

“Though the authorities have already shown some magnanimity by offering to cancel the transfer of the petitioner from Lucknow to

Bhubaneswar, in case he mends his way of working, in my opinion, one more step is required to be taken, i.e., that status quo ante before the transfer of the petitioner from U. P. Zonal Office to Odisha Zonal Office deserves to be maintained in the sense that earlier though the petitioner had been transferred to U. P. Zonal Office, but considering his circumstances, he was deputed to work at Noida office. Same arrangement should be permitted. However, this will not debar the authorities to depute the petitioner for service in any other office in National Capital Region. The order may not be treated as a mandate for all times to come. It is expected that the petitioner will now prove to be a good officer forgetting the past and serve the organisation with a positive mind giving no opportunity to any one to have a grievance against him. After all this also plays an important part in one's service career. When an employee claims compassion, his conduct during his service career is relevant.

12. Ordered accordingly.

13. As far as the claim of the petition for salary is concerned, he will be at liberty to move a representation to the authorities, which shall be considered in accordance with law.”

Petitioner has now alleged that aforesaid order has not been complied with in letter and spirit. Counsel for Corporation, however, submitted that petitioner has always been dictating terms to the employer. He is in the habit of blackmailing the officers by filing false and frivolous complaints and is known for his indiscipline in the organization. On merits, he has submitted that order has been complied with. He has referred to reply by way of affidavit dated 13.12.2016 of H.L. Chaudhary, Chairman-cum-Managing Director, N.P.C.C. Ltd., Faridabad.

In view of above, I am of the considered view that no cause of action survives in the present petition. Petitioner appears to be chronic litigant and has been creating problems for the organization. The

It, however, needs to be clarified that in case petitioner shows signs of indiscipline and continues to file frivolous complaints, the respondent corporation shall be at liberty to initiate action against him as per law.

June 06, 2017
'Rajpal'

Yes / No

Yes / No