

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

109

CWP No.18230 of 2017

Date of decision: 04.09.2017

Sudhir Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Deepak Girotra, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner seeks a writ of Mandamus under Article 226 of the Constitution of India, directing the respondents to condone the on-road period from 06.04.2016 to 19.05.2016 whereby he was relieved after the transfer order was passed and on account of the cancellation of the transfer order, he joined the same school. Accordingly, prayer is made that the said period be treated as duty period for all intents and purposes.

Counsel submits that the petitioner was transferred to the GSSS, Birohar, District Jhajjar, vide order dated 01.04.2016 (Annexure P-1), which he had challenged in CWP-9819-2016 and stay had been granted on 18.05.2016 (Annexure P-2) on the ground that the class strength was not zero and he had joined back at the said school. It is the case of the petitioner that the transfer order was cancelled, accordingly, on 27.06.2016 (Annexure P-3). A representation dated 22.07.2016 (Annexure P-4) has been filed with respondent No.2, to condone the said period and treat the same as period in service, for continuation purpose and for drawing of salary. It is the case of the petitioner that thereafter also, he filed another representation dated 16.01.2017 (Annexure P-7) that similar benefits have been granted to others who had approached this Court. Reference is made to Annexure P-10 (Colly.) whereby such benefits have been granted.

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

109

CWP No.18230 of 2017

-2-

Counsel submits that the said representation is still pending before respondent No.2 and therefore, the petitioner would be satisfied if the same is decided within a fixed time-frame.

Notice of motion.

Ms.Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paperbook has been supplied to her.

Keeping in view the controversy, this Court is of the opinion that no useful purpose would be served by calling for reply, since the decision making is still not complete and it would only delay the proceedings.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of, with a direction to respondent No.2 to decide the representation dated 16.01.2017 (Annexure P-7), within a period of 3 months. In case any adverse order is to be passed, same should contain reasons and be conveyed to the petitioner.

04.09.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*