

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5109 of 2014 (O&M)
Date of Decision:-06.07.2017.

Havildar Raj Kumar

.....Petitioner

Versus

Union of India, Government of India and others

.....Respondents

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

Present: Major Balbir Singh, Advocate for the petitioner.

Mr. Varun Issar, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

CM-8510-CWP-2017

With the consent of both the parties, heard the matter.

Therefore, CM do not survive for consideration.

Accordingly CM stands disposed of.

CWP No.5109 of 2014

Petitioner Havildar Clerk – Raj Kumar while working at 456 DSC PL 9 Wing Air Force Station transferred to DSC Records Kannur (Kerala). Feeling aggrieved by the order of transfer and posting dated 25.3.2014, he had submitted application for retention and cancellation of transfer and posting. Since no action has been taken by the concerned respondent, the petitioner has presented the present petition. For the purpose of cancellation and retention at 456 DSC PL 9 Wing Air Force

Station, he has assigned reasons that his daughter is suffering from

tuberculosis. At the time of admission of this matter, this Court was pleased to grant an interim order. Pursuant to the interim order, petitioner is continuing since 2014. Perusal of the prayer, it is evident that petitioner has not prayed for quashing of the posting order. On the contrary, he has sought for a direction to cancel the same. For the last 3 years from the date of transfer and posting, petitioner was permitted to continue. Therefore, this petition do not survive for consideration. Petitioner is liable for transfer. Only on sympathetic ground, petitioner was allowed to continue. Accordingly, the concerned respondent is at liberty to pass fresh order of transfer and posting or to give effect to order dated 25.3.2014 if it is warranted within a period of 3 months from today. The competent authority is also directed to examine petitioner's application or representation, if any submitted by him within a period of one week from today.

With the above observations, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

July 06, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.