

LPA no.1263 of 2017 (O&M) 1

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

LPA no.1263 of 2017 (O&M)

Date of Decision : 19.07.2017

Havildar Raj Kumar

....Appellant(s)

Versus

Union of India and others

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr.Balbir Singh, Advocate for the appellant

MAHESH GROVER, J.(ORAL)

The instant appeal is totally frivolous. Appellant was initially transferred in the year 2014 against which he preferred a writ petition. Interim relief was granted to him and he continued to work on the place of posting without transfer being effected. For 3 years he has enjoyed the benefit and now he would in any eventuality be entitled to be transferred out from the present place of posting in view of the normal rule of permitting an incumbent to stay at a place for 3 years.

It is conceded by the learned counsel for the appellant that as on today no order of transfer other than the one which was passed in the year 2014 has been passed.

In this view of the matter, we are of the opinion that the appellant should have waited for the new order to come into existence before rushing to this Court. The writ petition has been disposed of with liberty to the respondents to pass an order effecting transfer within 3 months from the

date of the passing of the order i.e 6.7.2017. Since no order has been passed, the grievance of the appellant cannot be appreciated. Of course, it would be open to the appellant to approach the respondents with his difficulties, in case he has any and request them for a sympathetic consideration.

No ground to interfere is made out. Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

(Raj Shekhar Attri)
Judge

19.07.2017	
rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No