

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

**C.W.P. No.19124 of 2017
Date of Decision: 24.01.2018**

Satish Kumar

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Peeush Gagneja, Advocate for the petitioner.

Ms. Sunint Kaur, Assistant Advocate General, Punjab.

JASWANT SINGH, J. (Oral)

This Court, while issuing notice of motion on 12.10.2017, had passed the following order:-

“ Petitioner is serving as a Head Draftsman under the Water Supply & Sanitation Department, State of Punjab. He is to attain the age of superannuation on 31.10.2017.

Vide order dated 19.5.2017 petitioner was transferred from Fazilka to Kapurthala Division. Petitioner filed CWP No.12331 of 2017 impugning such transfer on the ground that the same is violative of the Transfer Policy/Guidelines formulated by the State Govt. itself and an employee should not be dislocated on the verge of retirement. This Court intervened in the matter and stayed the order of transfer and granted status quo.

The instant petition is directed against the order dated 8.6.2017 (Annexure P-3) issued by the Chief Engineer (South), Punjab Water Supply & Sanitation Department and whereby a view has been taken that since the petitioner had laid a challenge to an order of transfer on the ground that he is to superannuate on 31.10.2017, therefore, he would not have any right to seek extension beyond the age of superannuation.

This Court is prima facie of the view that the reasoning adopted in the impugned order dated 8.6.2017 (Annexure P-3) is utterly frivolous and cannot sustain.

Notice of motion.

On the asking of the Court, Mr. T.P.S. Chawla, learned D.A.G., Punjab accepts notice on behalf of respondent-State. Requisite copies of the writ paper book be furnished to State counsel during the course of the day.

List on 7.12.2017.

To be heard along with CWP No.12331 of 2017.

In the meanwhile, it is directed that the application of the petitioner seeking extension of service under the relevant instructions/notification issued by the State Govt. would be duly processed in accordance with law and the mere fact that the petitioner has raised a challenge to his transfer from Fazilka to Kapurthala Division would not be taken as an impediment for grant of extension. ”

At the time of hearing, learned Counsel for the petitioner submits that the present petition has become infructuous as the petitioner has since retired on attaining the age of superannuation.

Upon notice, learned State Counsel concedes the aforesaid factual position.

In view of above, the present writ petition is disposed of as infructuous.

January 24, 2018

Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No