

CM No.15388/2018 in/and
CWP 4947/2018 (O&M)

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

**CM No.15388/2018 in/and
CWP 4947/2018 (O&M)**

Date of decision:01.11.2018

Rakesh Kumar

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Amit Sharma,Advocate for the applicant/petitioner
Ms.Kanica Sachdeva,AAG Punjab assisted by
Mr.Munish Kumar o/o DFSC Mansa

Jaswant Singh,J,(Oral).

CM 15388/2018 is allowed and short reply on behalf of
respondent no.3 taken on record. Copy supplied.

Main case.

Petitioner is stated to have joined as a Junior Auditor in the
physically handicapped quota on 1.9.2010 and was posted at Sri Muktsar
Sahib, the place where he belongs to. He was promoted as Senior Auditor
in the handicapped quota on 26.4.2017 and was posted at Mansa vide order
dated 31.10.2017. Petitioner filed CWP 26924/2017 seeking a mandamus
for considering his case for transfer from Mansa to Sri Muktsar Sahib or any
other convenient place being a handicapped person. The said writ petition
was disposed of with a direction to pass a speaking order.

Speaking order dated 13.2.2018 was passed declining his
request. Hence the present writ petition.

This Court while issuing notice of motion had directed the State to provide a list of employees who had remained more than 7 years at their place of posting.

Upon notice a reply has been filed wherein it is submitted that the petitioner was subsequently called and has been adjusted and transferred to Bathinda vide order dated 19.7.2018. The petitioner has concededly joined at Bathinda.

Counsel for the petitioner at the time of hearing has laid emphasis on the fact that respondents have yet not complied with the directions dated 28.2.2018.

After hearing counsel for the parties this Court,in view of the petitioner having been adjusted at Bathinda, feels that no purpose would be served for insisting upon compliance of the said direction. Hence the compliance of said directions is exempted.

On a pointed query, it is not disputed that the petitioner holds a Class II Post and has a liability to serve anywhere within the State. Petitioner has already been adjusted and remained posted at Sri Muktsar Sahib for more than 7 years. It is well settled that transfer is an incidence and not a condition of service.

Facts taken cumulatively no further adjudication is required.

Disposed of.

01.11.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No