

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

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LPA No. 1225 of 2017 (O & M)

Date of Decision: 28.11.2018

Mahabir Singh

.....Appellant

v.

The State of Haryana and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
 HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. S.K. Goyat, Advocate, for the appellant
 Mr. Ankur Mittal, Addl. AG, Haryana

MAHESH GROVER, J. (Oral) :

CM No. 2569 of 2017 :

For the reasons mentioned in the application, the same is allowed. Delay of 21 days in filing the appeal stands condoned.

Main Case :

On 13.7.2017, we had passed the following order :-

“We do not find any infirmity in the judgment of the learned Single Judge refusing interference in the writ proceedings on an issue of transfer. The appellant, however, pleads compassion as his father is unwell and posts are available.

Notice of motion for 29.8.2017 only to explore whether the respondents can accommodate the appellant by accepting his plea.

Notice re: condonation of delay also”

Pursuant thereto, the respondents have produced before us a communication dated 30.1.2018, stating that the transfer of the appellant was in accordance with the policy but the appellant may be advised to apply as and when State initiate any cadre change drive in future. Our order reproduced above is clear as we had interfered to explore whether the

appellant can be accommodated considering the ailment of his father.

After hearing the parties, we deem it appropriate to dispose of the present appeal. Since we had not found any cause to interfere on merits, there is no occasion for us to refer to the merits of the controversy again considering that grievance arises purely out of the administrative order of transfer. We, therefore, decline interference but leave it to the respondents to take a compassionate view of the matter, particularly when it has been brought to their notice of vacancy existing in the Department.

Dismissed.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

28.11.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No