

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

**LPA No.1199 of 2018(O&M)**  
**Date of decision: 03.08.2018**

Sukhwinder Kaur

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE  
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

**Present: Mr. Hari Chand Arora, Advocate for the appellant.**  
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**KRISHNA MURARI, C.J. (Oral)**

This appeal under clause X of the Letters Patent has been filed by the appellant challenging the order dated 31.07.2018 passed by the learned Single Judge vacating the ad interim order staying the effect and operation of the transfer order of the petitioner.

Admittedly, the petitioner-appellant, who was working in Govt. Primary School, Bansepur, Tehsil Kharar, was transferred to Govt. Primary School, Kambala, Block Kharar on administrative ground that the said institution was not having a Teacher since 27.10.2017. It is also an admitted fact that the petitioner-appellant had continued to work in the Govt. Primary School, Bansepur, Tehsil Kharar for the last 7 years. There is also no dispute about the fact that the services are transferable.

In view of the above, we do not find any illegality or infirmity in the impugned order vacating the stay order.

At this stage, learned counsel appearing for the appellant submits that while vacating the interim order learned Single Judge ought to have disposed of the writ petition itself and thus he has committed an illegality only by vacating the interim order and keeping the writ petition pending for adjudication on the issue raised by the petitioner himself that the respondents had tried to mislead the Court by false averments in their affidavit.

In our considered view, learned counsel appearing for the appellant is right in contending that there is no justification to continue the writ petition on the Board. In such circumstances, while dismissing the LPA we also direct that the writ petition bearing No.CWP-11667-2018, out of which this LPA arises shall also stands dismissed as having rendered infructuous.

A copy of this order may also be placed on record of the writ petition.

**( Krishna Murari )**  
**Chief Justice**

**( Arun Palli )**  
**Judge**

**03.08.2018**  
Rajan

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|------------------------------|-----|
| Whether speaking / reasoned: | YES |
| Whether Reportable:          | NO  |