

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

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**CM-11352-54-C-2017 in/and
RSA-4377-2017 (O&M)
Date of Decision : 22.02.2018**

S.K. Mahindru

..... Appellant

Versus

Shri Abishek Yadav and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Arvind Kashyap, Advocate
for the applicant-appellant.

AJAY TEWARI, J. (Oral)

CM-11352-C-2017

For the reasons recorded, the application is allowed.

Deficiency of court fee is made good.

CM-11353-54-C-2017

For the reasons recorded, the applications are allowed. Delay of 21 days in refiling and 6 days in filing the appeal is condoned.

RSA-4377-2017 (O&M)

This appeal has been filed against the concurrent judgments of the courts below dismissing a suit filed by the appellant.

The appellant had claimed that on his transfer to Pathankot he was originally posted at the Quality Control Section but later on he was posted at the Labour Cell against the rules which was a post below

his status. He consequently claimed damages of Rs.5 lakhs. Both the courts

below found that the appellant had himself requested to be posted at Pathankot and it was in view of his request that he was transferred to Pathankot. The courts below further found that there was no rule which barred the posting of the appellant to the Labour Cell.

Even before me, the counsel for the appellant has not been able to point out any specific rule which mandated that the appellant could not be transferred to the Labour Cell. It is not his case that his salary was reduced or any perks had been denied to him. It has come on record that after a short time of his transfer to Pathankot the appellant retired in the same year.

In the circumstances, no fault can be found with the judgments of the courts below. Appeal is dismissed with costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 22, 2018
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No