

CWP-6028-2019 (O&M)

**255-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-6028-2019 (O&M)
Date of decision : 20.08.2019**

Kuldeep Chand

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Karan Nehra, Advocate for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Sunil K. Nehra, Advocate for respondent No.4.

AMIT RAWAL, J. (ORAL)

Written statement filed on behalf of respondent Nos.1 to 3, in Court today, is taken on record, subject to all just exceptions.

Petitioner has sought following relief:-

- 1. Issue a writ in the nature of Certiorari for quashing the impugned order dated 27.02.2019 (Annexure P-5) passed by respondent No.2, whereby respondent No.4 has been transferred at the current place of posting of petitioner i.e. Executive Engineer, Provincial Division No.1, PWD (B&R), Kaithal from Head Office, PWD (B&R), Chandigarh and vice versa, is illegal, unjust, unfair, unconstitutional, arbitrary, oppressive, vexatious and capricious as well as against the Government instructions dated 18.04.1980 (Annexure P-6).*
- 2. Further issue a writ in the nature of mandamus and prohibition directing the respondents not to transfer the petitioner from his current place of posting as XEN, Provincial Division No.1, PWD (B&R), Kaithal.*
- 3. And/or issue any appropriate writ, order or direction which*

CWP-6028-2019 (O&M)

this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the present case."

Learned State Counsel submits that vide order dated 31.05.2019 (Annexure R-II), transfer order dated 27.02.2019 (Annexure P-5) has been withdrawn, thus, the grievance of the petitioner no longer subsists and the present writ petition may be disposed of as having been rendered infructuous.

Ordered accordingly.

Learned counsel for the applicant in CM-3866-2019 submits that order dated 31.05.2019 (Annexure R-II), withdrawing transfer order dated 27.02.2019, has been passed only because of pendency of writ petition.

I am of view that in case, applicant/respondent No.4 is aggrieved, he shall be at liberty to challenge the same, in accordance with law.

20.08.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**