

CWP Nos.7178 & 12027 of 2019 (O&M)

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

Date of decision : 20.08.2019

1. CWP-7178-2019 (O&M)

Vikas Balyan

... Petitioner

Versus

State of Haryana and others

... Respondents

2. CWP-12027-2019 (O&M)

Sameer Sharma

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Sunil K. Nehra, Advocate and
Mr. Parunjeet Singh, Advocate
for the petitioner in CWP-12027-2019 and
for applicant/respondent No.5
in CM-10226-2019 in CWP-7178-2019.

Mr. Ashok Kumar Sharma, Advocate
for the petitioner in CWP-7178-2019.

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

Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the applicant/respondent No.3
in CM-8056-2019 in CWP-12027-2019

AMIT RAWAL, J. (ORAL)

CM-10226-2019 in CWP-7178-2019

Allowed as prayed for.

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MAIN CASES

This order of mine shall dispose of two writ petitions bearing CWP No.7178 of 2019 titled as “Vikas Balyan V/s State of Haryana and another” and CWP No.12027 of 2019 titled as “Sameer Sharma V/s State of Haryana and others”.

In CWP-7178-2019, petitioner-Vikas Balyan is seeking indulgence of this Court for quashing impugned transfer order dated 22.02.2019 (Annexure P-4), whereby he has been transferred from Naraingarh to Panchkula, before expiry of three years period as mentioned in instructions dated 18.04.1980, vice Sameer Sharma, writ petitioner in CWP-12027-2019.

This Court, vide order dated 15.03.2019 in CWP-7178-2019, stayed operation of impugned order dated 22/25.02.2019. Applicant/respondent No.5-Sameer Sharma filed an application bearing CM No.4655-CWP of 2019 for vacation of stay order dated 15.03.2019 and on consideration of matter, this Court, vide order dated 03.04.2019, granted status quo order qua posting of Sameer Sharma/respondent No.5.

It has been brought to the notice of this Court that during pendency of writ petition, the State Government had, vide order dated 30.04.2019, withdrawn transfer order dated 22.02.2019. It is, in these circumstances, applicant/respondent No.5-Sameer Sharma, being aggrieved, approached this Court, vide CWP No.12027 of 2019.

At this stage of hearing of the case, learned State Counsel informs that the State Government had, vide order dated 21.05.2019, cancelled order dated 30.04.2019 withdrawing transfer order dated 22.02.2019.

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In view of such circumstances, grievance of petitioner/Sameer Sharma, in CWP No.12027 of 2019, has been redressed, therefore, writ petition is disposed of as having been rendered infructuous.

As far as the case of the petitioner-Vikas Balyan, in CWP No.7178 of 2019, who has not been transferred, it has been pointed out that before transfer order, Vikas Balyan, was transferred thrice within a period of five months, but was not challenged, even otherwise, he has rendered service of two years and seven months, approximately. There is no bar in the transfer policy/instructions, in case of exigency on administrative ground.

I am of the view that the petitioner is already working at Panchkula, since February 2019, in view of interim order dated 15.03.2019 passed by this Court and there cannot be any grievance as it was just few months' short of three years' period, as prescribed in transfer policy/instructions dated 18.04.1980.

No ground is made out for interference, accordingly, CWP No.7178 of 2019 is dismissed.

Pending applications in both the writ petitions, if any, are also disposed of.

20.08.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No