

CWP-8899-2019

-1-

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

CWP-8899-2019

Date of Decision: April 02, 2019

Satbir Singh

... Petitioner

vs.

Union of India and Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.D.Bawa, Advocate
for the petitioner.

ARUN MONGA, J

Inter-alia contends that the wife of the petitioner is suffering from advance stage of '*Astrocytoma Grade-III*'. Learned counsel for the petitioner submits that owing to the said disease, the survival time of petitioner's wife is very short as the said cancer of brain is incurable. He further contends that in these circumstances, the petitioner was given posting at Chandigarh on compassionate ground.

2. Counsel for the petitioner further contends that petitioner's wife is undergoing treatment at PGI. Vide impugned order dated 16.01.2019 (Annexure P5), the petitioner has been transferred to 77 RCC (Arunachal Pradesh). He further submits that the attempts of the petitioner to meet his immediate superiors to take a compassionate view and allow him to continue at Chandigarh, has been completely futile. Resultantly, he went to meet respondent No.3-Additional Director General (ADG), Border Roads Organization.

CWP-8899-2019

-2-

3. Learned counsel for the petitioner further submits that respondent No.7 (Officer Commanding) issued a show cause notice to the petitioner for directly approaching the Additional Director General (ADG), without seeking permission of his Officer Commanding. He further submits that the petitioner was compelled to approach the ADG, as respondent No.7, not only declined to meet him but also, did not accept an application from him to seek continuation of his posting at Chandigarh on compassionate ground for second term.

4. Counsel further contends that the respondents, in deserving cases, have been permitting other employees to continue, on second and in some cases for third term also, on compassionate ground.

5. Notice of motion.

6. Mr. Vivek Chauhan, Advocate, accepts notice on behalf of respondent-UOI and submits that the petitioner did not approach respondent No.7 and has not filed any application qua the contentions of the learned counsel for the petitioner, as noted above.

7. In the peculiar premise, I do not deem it appropriate to continue any further proceedings in the present writ petition and the same is, accordingly, disposed of with a direction to the respondents to entertain the application of the petitioner for his posting at Chandigarh for another term on compassionate ground and pass a speaking order on the same.

8. While passing the said order, it is expected of the respondents to take a sympathetic view, keeping in view the medical record, as annexed with the present writ petition and also the averments of the writ petition by treating the present writ petition as a supplementary representation.

CWP-8899-2019

-3-

9. Learned counsel for the petitioner submits that the petitioner shall file the requisite application alongwith the writ petition before the respondents within a period of one week from today.

10. Till the fresh order as directed above is passed, the operation of the impugned transfer order dated 16.01.2019 (Annexure P5) qua petitioner shall remain stayed.

April 02, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No