

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

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**CWP No.23564 of 2016
Date of Decision : 08.04.2019**

KARAN SINGH.**...PETITIONER****V/S****STATE OF HARYANA AND OTHERS.****...RESPONDENTS****CORAM : HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana
for the respondents/*State*..

B.S. WALIA, J. (ORAL)

[1] Writ petition was filed on 11.11.2016, challenging order dated 09.11.2016 (Annexure P-4) on the ground that the petitioner had been ordered to be transferred to Narnaul, without considering that he had joined at Sirsa about two months earlier in pursuance of order dated 12.08.2016 and without considering that the petitioner had been transferred four times in the last six months, whereas, respondent No.5 was working at Sirsa for the last about 20 years and the petitioner had to take care of a large family comprising his ailing wife besides his two sons. Moreover, the transfer of the petitioner was against the policy of the State of Haryana.

[2] On 15.11.2016, Shri Mr. Harish Rathee, learned Sr. Deputy Advocate General, Haryana, had accepted notice on behalf of the respondents and had sought time for seeking instructions in the matter whereupon the case was adjourned to 17.11.2016 on which date, more time was prayed for seeking instructions. On said date, while adjourning the case to 11.01.2017, operation

of the impugned order dated 09.11.2016 was stayed. On 11.01.2017, the case was adjourned for arguments, while ordering *dasti* notice to respondent No.5 for 23.02.2017. The matter was thereafter adjourned by order on a number of dates and on 17.10.2018, fresh notice was ordered to be issued to respondent No.5 for 08.04.2019.

[3] Learned State Counsel contends that the challenge was to the transfer order dated 09.11.2016 (Annexure P-4) and that more than two years have elapsed thereafter. In the meantime, fresh transfer policy has been issued by the State of Haryana in the year 2017-2018 and in the circumstances, the continuation of the petitioner at Sirsa is not justified.

[4] Learned State Counsel states that in the circumstances, the writ petition has become infructuous as subsequent to the transfer order dated 09.11.2016 (P-4), the case of the petitioner for transfer was required to be considered in the year 2017 and 2018 and now in the year 2019 on the basis of transfer policy of the respective years but could not be considered on account of the stay granted by this Court.

[5] Faced with the aforementioned situation, learned counsel for the petitioner contended that the petitioner's wife was not keeping good health besides he had two sons to take care of and therefore he should be allowed to continue at Sirsa for some more time.

[6] I have heard learned counsel for the parties. In view of the petitioner having continued at Sirsa for more than 2 ½ years pursuant to grant of order of stay on 17.11.2016 and in the meantime, fresh transfer policy having been issued by the State of Haryana in the year 2017, 2018 and 2019, the writ petition is ***disposed of*** by granting liberty to the petitioner to make a

stay at Sirsa in view of the peculiar facts and circumstances of the case. In case, any such representation is made within four weeks from today, the same shall be considered and decided by the respondents in accordance with the policy applicable as expeditiously as possible preferably within a period of two weeks thereafter. Till such time that decision is not taken, the petitioner shall be allowed to continue at his present place of posting. Further continuation of the petitioner at Sirsa or his transfer to another place would be subject to the outcome of the decision to be taken by the competent authority on the representation to be submitted by the petitioner in the manner as indicated above. It is made clear that in case no representation is made by the petitioner within aforesaid period, then in that eventuality, the interim stay granted in favour of the petitioner shall stand vacated. Writ petition disposed off as above.

(B.S. WALIA)
JUDGE

April 08, 2019
'Rajneesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No