

Sr. No.142

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

**CWP No.22069 of 2019 (O&M)
Date of Decision: 21.08.2019**

Hardev Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Aman Dhir, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

ARUN MONGA, J.(ORAL)

Inter alia contends that the petitioner was transferred from Punjab Vidhan Sabha, Chandigarh to Office of Deputy Commissioner at Hoshiarpur with a clear stipulation that his lien in the office of Punjab Vidhan Sabha shall be kept for two years.

2. Thereafter, the case of the petitioner was recommended for transferring him back to the Punjab Vidhan Sabha within the period of two years as reflected from Annexures P-6 to P-7 and yet the petitioner's transfer was not effected forcing him to file an earlier writ petition before this Court bearing CWP No.19088 of 2018.

3. The said writ petition was disposed of vide order dated 14.03.2019 (Annexure P-11) on the statement of learned State counsel that the matter shall be examined by the competent authority within 6 weeks from the date of disposal of the writ petition.

Notwithstanding, vide letter dated 09.04.2019 (Annexure P-14)

impugned herein, the case for transfer of the petitioner has now been rejected on the ground that lien period of two years has now since expired and, therefore, petitioner cannot be transferred back.

4. Learned counsel for the petitioner submits that petitioner is not being taken back to his parent department for no fault of his and hence, the second round of litigation.

5. Notice of motion.

6. On advance service of the petition, Ms. Ambika Bedi, AAG, Punjab appears and accepts notice on behalf of the State.

7. Given the nature of order being passed, there is no necessity to seek return by the respondents as no further proceedings and/or pleadings are required.

8. Respondents are directed to take a decision on the transfer of the petitioner without being influenced by the expiry of the lien period as the same has since happened on account of the delay caused on the part of the respondents and the petitioner, cannot, therefore, be penalized for no fault of his.

9. Let the decision be taken within a period of 30 days from the date of receipt of a certified copy of this order.

10. In view of the aforesaid, the impugned letter dated 09.04.2019 (Annexure P-14) is set aside with liberty to the respondents to pass fresh orders as observed hereinabove.

11. Disposed of in the aforesaid terms.

(ARUN MONGA)
JUDGE

21.08.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No