

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

CWP No.26634 of 2019

Date of Decision: October 01, 2019

Om Parkash

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. D.S.Gurna, Advocate,
for the petitioner.

Mr. Gaurav Jindal, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The short point involved in the present writ petition is whether the petitioner could be retained at the place of posting despite the fact that he has been transferred, by not issuing the relieving order.

Learned counsel for the petitioner submits that the petitioner had sought his transfer from the office of Deputy Commissioner Nuh to Mahendergarh due to family circumstances and also furnished affidavit dated 08.06.2018 (Annexure P-1). After obtaining the consent from both the offices, i.e., Mehendergarh and respondent No.2-Special Secretary, Department of Revenue & Disaster Management Haryana, the petitioner was ordered to be transferred vide order dated 28.12.2018, but despite that respondent No.3 has not relieved him.

This Court, while issuing notice of motion on 19.09.2019, directed the Deputy Commissioner, Nuh to file affidavit, which was filed on

the last date of hearing. The affidavit explains that relieving order could not be passed owing to the announcement of schedule of General Election, 2019. However, learned counsel for the petitioner on the last date of hearing, i.e., on 26.09.2019 brought to the notice of this Court the intention of respondent No.3 in retaining the petitioner by assigning him the election duty, which is not justified owing to the pendency of the writ petition and as well as passing of the transfer order. Learned State counsel has not been able to rebut the aforementioned submissions as nobody from the concerned department has come to instruct him.

I am of the view that it is a fit case where some directions and contempt notice are required to be issued, but I would be refraining myself due to election code as the officers at the helm of affairs are required to adhere to the election schedule. Since December, 2018 order has been passed, whereas the election code has only been promulgated in the last week of September, 2019. No explanation for intervening period has come forth.

Accordingly, I dispose of the present writ petition with a direction to respondent No.3 to relieve the petitioner forthwith on receipt of the certified copy of this order, failing which this Court may not constrain to pass appropriate order to impose costs or initiate proceedings under Article 215 of the Constitution of India.

October 01, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No