

CWP No.27662 of 2017 -1-

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

**CWP No.27662 of 2017 (O&M)
Date of decision : 17.1.2019**

Jagbir Singh

...Petitioner

Vs.

The Punjab and Haryana High Court Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present: Mr.Jai Bhagwan Sharma, Advocate for the petitioner.

Ms.Mayuri Lakhanpal Kalia, Advocate for the respondents.

...

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed challenging the order cancelling the transfer order.
2. Heard.
3. Learned counsel for the respondent informs that there are two vacancies of Process Server in Fatehabad Sessions Division where the claim of the petitioner for transfer on request can be given effect to. It may be recalled from the facts, that the petitioner's request for transfer from Gurgaon to Fatehabad Sessions Divisions was acceded to by the High Court, but he could not be relieved due to pressure of work and, ultimately, when the petitioner reported for duty, after being relieved on 31.10.2017, he was confronted with a *fiat accompli* as in the meanwhile some other person was appointed to the vacant post. This led to rescinding of the order of transfer by the High Court. It may be noticed that the first respondent withdrew/cancelled the transfer order dated 06.07.2017 on 01.12.2017.

4. Now in view of the changed circumstances and the availability of post in Fatehabad Sessions Division, a fact which is not disputed before me, the petitioner would be allowed to join duty of Process Server at Fatehabad. Seniority in the transferred place will be operated as per rules governing request transfers.

5. The petitioner makes a statement through his counsel that he will not claim any monetary benefit for the period from 01.12.2017 till he joins duty in Fatehabad, Sessions Division. Statement is accepted.

6. The case of the petitioner may now be processed expeditiously and he would be informed of the date he is expected to join at Fatehabad.

7. With these observations and directions, the petition is disposed of.

17.1.2019
Meenu/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No