

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

123

CWP No.34654 of 2019

Date of Decision : 17.12.2019

Vinod Kumar

....Petitioner

v/s

State of Haryana and another

....Respondents

**Coram : Hon'ble Mr. Justice B.S. Walia**

Present: Mr. Varun Gupta, Advocate for the petitioner.  
Mr. Harish Rathee, Senior DAG, Haryana.

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**B.S. Walia, J. (Oral)**

[1] Prayer in the writ petition is for the issuance of a writ of certiorari for quashing transfer order (Annexure P-3) *qua* the petitioner, as also the issuance of a writ of mandamus for directing the respondents to retain the petitioner at Gurugram.

[2] A perusal of the impugned order reveals that the petitioner who was posted at District Jail, Gurugram has been transferred to Palwal-1 vide Order dated 23.07.2019 and has joined at the station of transfer i.e. Palwal-1. However, without mentioning the fact of the petitioner having joined at the place of transfer, the petitioner filed a writ petition on 20.11.2019, in which while issuing notice of motion, it was ordered that transfer orders of the petitioner would not be acted upon till further orders.

[3] Faced with the aforementioned position, learned counsel for the petitioner prays for permission to withdraw the writ petition, with liberty to file a representation before the competent authority, praying for being posted at

Gurugram to enable the petitioner to obtain necessary medical treatment for his ailment.

[4] In view of the fact that the petitioner is suffering from cancer and is undergoing Chemotherapy treatment at Gurugram, the petitioner is permitted to ***withdraw*** the writ petition, with liberty to make a representation to the competent authority within 01 week from the date of receipt of certified copy of this order. On receipt of representation, respondent No.2 shall consider and decide the claim of the petitioner for being allowed to continue at Gurugram in accordance with rules, sympathetically, within a period of 02 weeks from the date of receipt of the representation.

**(B.S. Walia)**  
**Judge**

**December 17, 2019**

*'Rajneesh'*

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