

CWP-9421-2020 (O&M)

Date of decision : July 23, 2020

Sunil

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr.Sunil K. Nehra, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of the pandemic, COVID-19.

This writ petition has been filed for quashing of order dated 06.03.2020 stated to be in violation of instructions dated 07.04.1989 (Annexure P8) as well as order dated 01.07.2020 endorsed on 02.07.2020 besides order dated 16.03.2020 (Annexure P4) passed in CWP No. 6777 of 2020. While issuing notice of motion, following order was passed:-

“ The petitioner herein seeks to challenge the order dated 06.03.2020 wherein, he has been transferred from Municipal Council, Bahadurgarh (Jhajjar) to Municipal Council, Narnaul.

It is contended that within a period of short span, he has been transferred five times. It is also contended that this is a couple case and wife of the petitioner is working at Govt. Sr. Secondary School, Bandhwari. Counsel for the petitioner would argue that he had earlier approached this court by way of filing CWP No.6777 of 2020 to challenge the transfer order dated 06.03.2020, which petition was disposed of by giving

him an opportunity to submit a comprehensive representation within 10 days, which representation was to be decided by the authorities. However, the authorities directed him to join at Narnaul, without considering the representation which he has sent through e-mail. It is argued that a false stand has been taken by respondent No.2 insofar as stating that no representation had been received by him. It is further contended that, as on date, he has not been relieved from his current place of posting i.e. Sanitary Inspector, Municipal Council, Bahadurgarh.

Notice of motion.

At this stage, on the asking of the court, Ms. Shubhra Singh, Addl. AG Haryana accepts notice and seeks some time to get the necessary instructions and to file reply, if any, so required. She also seeks time to verify the factum of sending the representation through e-mail.

Reply, if any, be filed within a period of ten days, with an advance copy to the counsel for the petitioner.

Adjourned to 23.07.2020.

In the meantime, the petitioner be allowed to continue on his post at Bahadurgarh.”

Reply by way of affidavit dated 21.07.2020 of Sh. Y.S. Gupta, Additional Director, Urban Local Bodies, Haryana, Panchkula has been filed on behalf of respondents No. 1 and 2. In para 6 of the affidavit, it is mentioned that the representation was submitted by the petitioner through e-mail on 26.03.2020 at 22.05 hours. It is further submitted therein that though the authority was not under a duty to consider the same as the representation was submitted beyond the time permitted by this Court in order dated 08.07.2020, the representation has, however, since been decided by way of a speaking order dated 17.07.2020 endorsed on 20.07.2020, attached as Annexure R1 with this affidavit.

In this view of the matter, learned counsel for the petitioner submits that the petitioner be afforded the liberty to challenge order dated 17.07.2020/20.07.2020 but he be protected for one week.

Heard, learned counsel for the parties.

Keeping in view the facts and circumstances as above, no further order is called for in the present writ petition. Needless to say, the petitioner is at liberty to challenge order dated 17.07.2020 endorsed on 20.07.2020, if so advised. The petitioner, however, be allowed to continue on his present posting at Bahadurgardh for a period of one week only, from today, in order to enable him to challenge the abovesaid order.

Present writ is disposed of accordingly.

It is made clear that there is no observation or expression of opinion on the merits of the case.

July 23, 2020
rts

(Lisa Gill)
Judge

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