

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119)

CWP no.17065 of 2020

Date of Decision: 14.10.2020

Sarojni Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ravinder Malik, Advocate, for the petitioner.
Mr. RKS Brar, Addl. Advocate General, Haryana.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Article 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of certiorari, setting aside the order dated 24.09.2020 (copy Annexure P-9), passed by respondent no.2, vide which the transfer of the petitioner has been cancelled.

Learned counsel for the petitioner submits that though the operation of the order (copy Annexure P-5) transferring the petitioner from Julana to Madina was stayed on 05.03.2020 on respondent no.4 herein having filed CWP no.6184 of 2020, the said order was obtained by making a false submission before the court, to the effect that the petitioner in that petition (respondent no.4 herein) was to retire on 28.02.2020, whereas she is to retire on 31.03.2021.

He submits that thereafter an application for correction of the said date was filed by the petitioner in that petition, vide CM no.4481 of

2020, which was allowed on June 19, 2020 vide the order Annexure P-8.

The issue of the petitioners' transfer viz a viz respondent no.4 already being a subject matter of consideration in CWP no.6184 of 2020, and the allegation being that the interim order had been obtained on a false statement made, in the opinion of this court, the correct remedy for the petitioner would have been to move an appropriate application in that petition, and a separate petition challenging the cancellation of the order of transfer pursuant to an order passed by this court, would not be maintainable.

Consequently, this petition is dismissed, with liberty to the petitioner to file an appropriate application in CWP no.6184 of 2020.

14.10.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

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