

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 18895 of 2020

Date of Decision: 09.11.2020

Ishwar Singh

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Shalender Mohan, Advocate
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate
General, Haryana for the respondents.

Anil Kshetarpal, J.

After having heard learned counsel for the petitioner and Mr. Samarth Sagar, Additional Advocate General, Haryana at some length, this Court is of the considered view that this writ petition can be disposed of at this stage itself.

In the year 2019, the petitioner was transferred from Government Polytechnic, Hisar to Government Polytechnic, Hathnikund, District Yamuna Nagar. He filed Civil Writ Petition No. 107 of 2019, wherein the following order was passed:

“Learned counsel submits that the impugned order is liable to be set aside, as there is no occasion with the respondents to transfer the petitioner from Government Polytechnic Hisar to Government Polytechnic Hathnikund. The petitioner has joined after his transfer in the month of May,

2013 and there are other Assistants who are staying since 2004 and 2006.

Notice of motion for 09.07.2019.

In the meantime, the operation of impugned order dated 20.12.2018 (P-2) shall remain stayed”.

The aforesaid writ petition is pending for 02.12.2020. Consequently, the petitioner continued to work in Government Polytechnic, Hisar.

On 26.10.2020, the petitioner has been transferred from Government Polytechnic Hisar to the Government Polytechnic, Mandi Adampur (Hisar) on mutual basis.

Learned counsel for the petitioner contends that the petitioner is not being permitted to join at Government Polytechnic, Mandi Adampur on the ground that a previous writ petition, filed by the petitioner, is pending. He further submits that if the petitioner withdraws the previous writ petition i.e. Civil Writ Petition No. 107 of 2019, the interim protection granted on 08.01.2019 would cease to exist and therefore, the petitioner would be transferred to the Government Polytechnic, Hathnikund.

Mr. Samarth Sagar, Additional Advocate General, Haryana has submitted that once the order dated 26.10.2020 has been passed, there is no occasion for the department to give effect to the order, which is a subject matter of challenge in Civil Writ Petition No. 107 of 2019.

Learned counsel for the petitioner submits that he has no objection to withdrawal of Civil Writ Petition No. 107 of 2019 if the order dated 26.10.2020 is given effect to.

Keeping in view the aforesaid limited controversy involved, this Court is of the considered view that the present writ petition can very well be disposed of by directing the Director, Technical Education Department, Panchkula, Haryana to give effect to the order dated 26.10.2020 and permit the petitioner to join at the place of posting where he has been transferred.

Learned counsel for the petitioner has submitted that Civil Writ Petition No. 107 of 2019 be treated to have been dismissed as withdrawn.

The office is directed to prepone the date of hearing of Civil Writ Petition No. 107 of 2019 and list the same for tomorrow.

This writ petition is accordingly disposed of. However, liberty is granted to the parties to move an application for modification or change, if required.

(Anil Kshetarpal)
Judge

November 09, 2020
“DK”

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