

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

CWP No. 21117 of 2020
Date of decision: 09.12.2020

111

Dev Raj

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ashutosh Kaushik, Advocate,
for the petitioner.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner, in a petition filed under Articles 226 and 227 of the Constitution of India, seeks quashing of the order dated 11.11.2020 (Annexure P-3) whereby, respondent no. 4 Jai Singh, Head Welder has been posted on the said vacant post at Hisar by respondent no. 2. In addition to the said fact, the petitioner's posting at Hisar Depot has also been quashed and he has been posted as Station Supervisor Incharge against a vacant post. The order further goes on to show that respondent no. 4 was being posted at the said place in continuation of the earlier order dated 30.12.2019 (Annexure P-2).

Counsel has pointed out from the said document that it was a mutual posting with one Subhash Chander, Head Welder and it is his grouse that no such person was posted at Hisar and, therefore, there can be no such mutual consent. Counsel has further submitted that he has given a representation dated 16.11.2020 (Annexure P-4) in this context also whereby, he has also asked for cancellation of his transfer and for

adjustment at Hisar. It is further pointed out that the petitioner has not been relieved and he would be satisfied if a decision is taken on the above said representation within a fixed time frame.

Notice of motion.

Mr. RKS Brar, Addl. A.G., Haryana accepts notice on behalf of respondents no. 1 to 3.

Keeping in view the fact that the decision making is still incomplete, this Court is of the opinion that no useful purpose would be served to call upon the respondents to file reply.

Accordingly keeping in view the above controversy, the present writ petition stands disposed of with direction to respondent no. 2 to decide the representation dated 16.11.2020 (Annexure P-4) within a period of 4 weeks from the date of receipt of certified copy of the order. If any adverse order is to be passed against respondent no. 4, he shall also be given an opportunity to put forth his case to controvert the allegations as such which have been made by the petitioner. Till the decision on the representation, the petitioner shall continue to remain posted at Hisar.

09.12.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No