

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

**CWP No. 21428 of 2020
Date of decision: 14.12.2020**

RAKESH KUMAR

...Petitioner

V/S

STATE OF PUNJAB & ORS.

... Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Mr.Amit Singla, Advocate,
for the petitioner.

Mr.Abhay Pal Singh Gill, AAG Punjab.

(Presence has been marked through video conferencing)

ARUN MONGA, J. (ORAL)

Under challenge herein is an order dated 01.12.2020 (Annexure P-5) passed by respondent No.1 whereby the petitioner, who was working as Superintendent, Grade II has been transferred from Mansa to Sardulgarh to work on the same post at the place of transfer.

2. Grievance of the petitioner is that the earlier transfer order dated 31.08.2020 (Annexure P-1), which has been recalled by respondent No.1 has been wrongly withdrawn by mis-interpreting the order dated 07.10.2020 passed by this Court in an earlier round of litigation instituted by respondent No.4 vide CWP-16407-2020.

3. Concededly, the petitioner herein was party in the earlier round of litigation as private respondent No.4 and had moved an appropriate application seeking clarification of the order dated 07.10.2020 with a prayer that he be not transferred back from Mansa to Sardulgarh and be allowed to continue at Sardulgarh.

4. It was only after hearing the parties that this Court had allowed the CWP No.16407-2020 to be dismissed as withdrawn and alongwith that the aforesaid application for clarification was also disposed of.

5. In the premise, no grounds are made out to interfere on the same cause of action in the present proceedings. Once this court had dismissed the earlier writ petition, after hearing the parties wherein the petitioner admittedly was the contesting respondent, the matter can not be reagitated on the cause as there is no fresh cause.

6. In any case, transfer being an inherent administrative exigency and being an essential part of the service condition, is not to be interfered in normal course by this Court in extraordinary jurisdiction unless in a rare case, it is shown to be either punitive or a case of an extreme hardship.

7. As regards the other contentions raised in the petition herein, it was open to the petitioner to argue the same in the earlier writ petition bearing CWP No.16407 of 2020. Same cannot be re-opened in the present proceedings.

8. Dismissed accordingly.

9. In the parting, it is made clear that that this order shall not come in the way of the petitioner joining the duties at

his current place of posting.

14.12.2020

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**(ARUN MONGA)
JUDGE**

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