

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CWP-2212-2021

Date of decision: 15.03.2021

LT COL (TS) SATBIR KAUR

.....Petitioner

versus

UNION OF INDIA AND OTHERS

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Balbir Singh, Advocate
for the petitioner.

Mr. Parvesh Saini, Advocate
for the respondents.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Lt. COL (TS) Satbir Kaur, stated to be aged 48 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of mandamus directing the respondents to cancel posting orders dated 20.01.2021 (Annexure P-4) and allow the petitioner to remain in present unit till the OA (Original Application No.2478/2017) filed in Armed Forces Tribunal Regional Bench at Chandigarh requesting for “Release of the petitioner from Army Service with immediate effect on compassionate grounds due to her own illness and family related problems”, is pending for adjudication, along with further relief as mentioned in the present writ petition.

Records of the case show that on 01.02.2021, this Court had

passed the following order:-

“Vide letter dated 29.01.2021, High Court Bar Association has conveyed that the members of the Association would observe 'No Work Day' on 01.02.2021 and have further requested to grant an appropriate date.

Petitioner Lt. Co. (TS) Satbir Kaur, stated to be aged 48 years has filed the present petition inter alia with a prayer to direct the respondents to cancel posting orders, enclosed as per Annexure P-4 dated 20.01.2021 and allow her to remain in the present unit till the OA (Original Application No.2478/2017) filed in Armed Forces Tribunal Regional Bench at Chandigarh requesting for “Release of the petitioner from Army Service with immediate effect on compassionate grounds due to her own illness and family related problems” is pending for adjudication, along with further relief as mentioned in the present writ petition.

From the perusal of the petition, it further becomes evident that OA (Original Application No.2478/2017) to release the petitioner from Army Service with immediate effect due to medical as well as family related problems, is fixed for 08.03.2021 before the Armed Forces Tribunal Bench, Chandigarh.

The petitioner has made an interim prayer that since the matter is pending before the Tribunal, the impugned transfer/posting order dated 20.01.2021 (Annexure P-4), be quashed.

Notice of motion for 15.03.2021.

It is directed that a week prior to the next date fixed by this Court, reply/short status report be filed indicating the proceedings and the stage of the case before Armed Forces Tribunal Bench, Chandigarh.

It is further directed that till the next date of hearing, status quo be maintained qua the posting order.”

Today, on the resumed hearing of the case, learned counsel for the respondents submits that the prayer of the petitioner was to allow her to remain in the present unit till the OA (OA No.2478/2017) filed before the Tribunal, is pending. He submits that during pendency of the present writ petition, the said OA has been dismissed.

Faced with the situation, learned counsel for the petitioner submits that the petitioner be permitted four weeks time to join the new place of posting.

Learned counsel for the respondents submits that since the counsel for the petitioner has fairly made a request, the respondents may not have any serious objection in allowing the petitioner to join a new place of posting within four weeks i.e. by 15.04.2021.

With the above observations, no further orders are called for in the present writ petition and the same is disposed of as such.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

15.03.2021
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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No