

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

206

**CWP No. 8667 of 2019 (O & M)
Decided on :11.01.2021**

Sudesh Kumari

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. P.K. Sehrawat, Advocate,
for respondent no. 3.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present petition has been filed under Articles 226 and 227 of the Constitution of India for quashing the impugned order dated 09.03.2019 (Annexure P-1) passed by respondent no. 1 vide which, the petitioner was transferred from the office of the District Food and Supplies Controller, Rohtak to District Food and Supplies Controller, Jhajjar against respondent no. 3 in violation of its own policy dated 07.04.1989 (Annexure P-2).

It is not disputed that the operation of the said order was stayed alongwith the order dated 11.03.2019 (Annexure P-7). Resultantly, the effect is that the petitioner continues to stay at Rohtak since almost the last 2 years. It is the case of the respondents also that she has been posted at Rohtak for more than 4 years, which was at the time of filing the reply in May, 2019.

Thus, the currency of the litigation as such has run out and the controversy in the present case is no longer required to be adjudicated upon as it was based upon the issue that there was code of conduct and its applicability at the time of transfer. The defence of respondent no. 3 is that he was being transferred to Rohtak on account of his request made on account of the poor health of his father and the medical facilities available at Rohtak.

In such circumstances, keeping in view that the case has been pending for the last more than 2 years, the same is disposed of as having been rendered infructuous. It is open to the official respondents to pass fresh transfer orders keeping in view the fact that both the petitioner and respondent no. 3 have continued at their respective places during the currency of the litigation.

Resultantly, the interim order dated 04.04.2019 shall no longer be in force and it will be open to the respondents to pass fresh orders of transfer as per the exigencies of the administration.

11.01.2021
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No