

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CM Nos.8212 & 8213 of 2021 in/and
CWP-8711-2021
Date of decision: 16.07.2021

Amit Kumar

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

On 22.04.2021, while issuing notice of motion, this Court had passed the following order:-

“The prayer in this writ petition inter alia is to quash the impugned order dated 15.03.2021 (P2) vide which the petitioner has been transferred to Charkhi Dadri from Karnal.

Learned counsel submits that the petitioner is residing at Karnal with his minor son. The wife of the petitioner has taken divorce from the petitioner and as per the mutual settlement dated 15.01.2013, the son was to live with the father i.e. the petitioner. He submits that the petitioner had served for approximately 7 years at Ambala and had been transferred to Karnal on

04.09.2020. He hardly had served there for about six months but has been transferred from Karnal to Charkhi Dadri.

Notice of motion.

On the asking, Ms. Palika Monga, DAG Haryana accepts notice through video conferencing. She points out that order dated 04.09.2020 (P1) transferring the petitioner from Ambala to Karnal was on his own request.

List on 03.05.2021.

Learned State counsel is directed to seek specific instructions from the competent authority as to if the petitioner can be accommodated at Karnal or nearby place in view of the peculiar circumstances that the petitioner has indicated.”

In response thereto, reply dated 02.07.2021 has been filed by way of an affidavit of DGP, Haryana. In para 5 of the said affidavit, it has been submitted that the petitioner can be transferred back to District Ambala where seat vacated by him is still vacant.

CM-8212-2021 has been filed inter alia with a prayer to prepone the date of hearing in main case and CM-8213-2021 has been filed with a prayer to dispose of the present writ petition in view of the affidavit dated 02.07.2021, filed by respondent No.2.

Notice of the applications.

On asking of the Court, Mr. Rohit Arya, DAG, Haryana, accepts notice on behalf of the State.

Learned counsel for the petitioner, on instructions from the petitioner, submits that he will be satisfied in case, the authorities consider

him to be transferred back to District Ambala, where seat was vacated by him and is still vacant.

In view of the peculiar facts as noticed above, CM-8212-2021 is **allowed**. Date of hearing in the main case is preponed to today i.e. 16.07.2021 and taken up on board today itself.

In view of the above, the present petition is ***disposed of*** with a direction to the respondents to consider the case of the petitioner and pass appropriate orders, as noticed in para 5 of the affidavit dated 02.07.2021, as expeditiously as possible in accordance with law. CM-8213-2021 stands disposed of accordingly.

So ordered.

(GIRISH AGNIHOTRI)
JUDGE

16.07.2021

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No