

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

CWP No.9523 of 2021 (O&M)

Date of Decision: 27.09.2021

Sushil Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab for respondent Nos.1 & 2.

Mr. Rajeev Anand, Advocate for respondent No.3.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the impugned transfer order dated 27.04.2021 (P-7) with further prayer for staying the operation of said order.

The co-ordinate Bench while issuing notice of motion on 07.05.2021 passed the following order:-

“This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

At oral request of learned counsel for the petitioner, Smt. Rajwinder Kaur, Steno Typist, District Sports Office, Patiala is impleaded as respondent No. 3. Necessary addition be carried out by the Registry in the memo of parties.

It is, inter alia, submitted that for most of the service rendered by the petitioner, he has served at stations away from his home district. He was posted at Patiala on 10.07.2020 (Annexure P3). However, on 17.07.2020 itself petitioner was transferred from Patiala to Sangrur and Smt. Rajwinder Kaur, who was earlier serving at Patiala and transferred to Head Office, Chandigarh vide order dated 10.07.2020, was again posted at Patiala. Representation was submitted by the petitioner and he was posted from Sangrur to Patiala on his request vide order dated 02.03.2021 and Smt. Rajwinder Kaur transferred from Patiala to Sangrur. However, vide order dated 27.04.2021, petitioner has again been transferred from Patiala to Sangrur and respondent No. 3 from Sangrur to Patiala on her request. Reason for transfer of the petitioner is peculiarly stated to be administrative basis.

Notice of motion.

Ms. Lavanya Paul, AAG, Punjab accepts notice on behalf of respondents No. 1 and 2 and prays for some time to seek instructions.

Notice be issued to respondent no. 3 for 24.05.2021.

Operation of the impugned order to remain stayed till the next date of hearing.”

Although learned Counsel for the petitioner, on instructions, submitted that respondent No.3 has obtained the impugned transfer order on the basis of wrong factual position. Be that as it may, this Court was not inclined to entertain the present writ petition on account of the factual controversy.

Faced with the above situation, learned Counsel for the petitioner, on instructions, wishes to withdraw the present petition with liberty to approach the competent authority for redressal of his grievance while bringing true facts to their knowledge.

Dismissed as withdrawn with liberty aforesaid.

It is clarified that in case the representation is made to respondent No.2-Director, Department of Sports, Punjab within one week from receipt of certified copy of this order, the same shall be considered and decided in accordance with law by passing speaking order within next two weeks.

September 27th, 2021
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No