

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

CWP-11072-2021

Date of Decision: 18.06.2021

Brij Bhushan

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Abhay Kumar Sharma, Advocate
for the petitioner.

Mr. Sunil Kumar Sharma, Advocate,
for the respondent-UI.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Inter alia contends that petitioner's pending representation dated 25.03.2021 (Annexure P-5), stating that his wife is suffering from Ovarian Cancer, has been given a complete short shrift while transferring the him from Chandigarh to Chhattisgarh. He submits that petitioner's wife is currently undergoing Chemotherapy in Grecian Super Specialty Hospital, Mohali as is borne out from the medical record contained at Annexure P-7.

2. Learned counsel further contends that in the current medical state, his wife is unable to travel to the place of transfer i.e. Chhattisgarh from the current place of posting i.e. Chandigarh, more particularly due to the current pandemic scenario which makes the petitioner's wife far more vulnerable than others, since her immunity is highly compromised due to the chemotherapy being administered to her. That apart, he contends that petitioner has two minor children (son and daughter), who are currently stated to be studying in Class 7th and 5th, respectively.

3. In the peculiar circumstances, neither is the petitioner in a position to leave his children with their mother, who is unable to attend to

them properly in view of her own medical ailment nor can he take them along with him by leaving his wife alone at Chandigarh.

4. Notice of motion.

5. Learned counsel representing Union of India, on advance service, joins proceedings and accepts notice and seeks time to get instructions.

6. Given the nature of order being passed, no further proceedings and/or pleadings are required in the case.

7. Writ petition is disposed of with a direction to Respondent No.3 to decide the pending representation of the petitioner by considering his peculiar circumstances as enumerated therein and also by going through the contents of the petition by treating it as a supplementary representation and pass appropriate orders, in accordance with law.

8. It is expected of the competent authority to take a humanitarian outlook while taking a decision on the pending representation given the peculiar medical condition of the wife of the petitioner.

9. Let a decision be taken on the pending representation within a period of two months from today.

10. Till the decision is taken on the pending representation, operation of impugned transfer order dated 23.08.2020 (Annexure P-3) qua the petitioner shall remain stayed.

11. Disposed of accordingly.

18.06.2021

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No