

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CWP-14877-2021

Date of decision: 31.08.2021

Devender Boora (DDA)

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Tapan Kumar, 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)

Petitioner-Devender Boora (DDA), stated to be aged 53 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of certiorari for quashing the impugned order dated 26.07.2021 (Annexure P-12).

On 06.08.2021, while issuing notice of motion, the following order was passed by this Court:-

“Inter alia contends that the petitioner is a cancer patient and is currently undergoing treatment from PGIMS Rohtak as well as Rajiv Gandhi Cancer Hospital, New Delhi. Given his precarious medical condition, the administrative authority had earlier taken a compassionate view and had posted the petitioner at Sonipat vide an order dated 13.01.2020 (Annexure P7). However, the petitioner has been again transferred from

Sonipat to Kaithal vide impugned transfer order dated 26.07.2021 (Annexure P-12).

Notice of motion.

Learned State counsel, on advance service, joins proceedings and accepts notice on behalf of the respondent-State of Haryana. He opposes the petition and argues that transfer of the petitioner, notwithstanding, his medical condition had become imperative due to the administrative exigency, caused by certain acts of insubordination attributed to him, as per the preliminary report submitted by his superiors. He submits that in order to maintain harmonious working conditions in the office of District Attorney, Sonipat, the petitioner has been accommodated at Kaithal, pending the further contemplated proceedings against him. He further submits that in fact, an FIR No.390 dated 25.06.2021 under Section 506 IPC at Police Station, City Sonipat has also been registered against the petitioner by his immediate superior i.e. District Attorney, Sonipat.

Be that as it may, having heard the rival contentions, it does seem that things are not hunky dory between the District Attorney, Sonipat and the petitioner. But, given the medical condition of the petitioner, it is expected of the competent authority to review its decision to accommodate him at a place where he can continue with his cancer treatment. The same being of specialized nature, he would naturally be deprived of the same at Kaithal. The choice of posting is left open to the competent authority as long as petitioner is not denied his right to health, which is a fundamental right, being integral part of Article 21 of the Constitution of India.

Adjourned to 31.08.2021, with the expectation that the petitioner will be accommodated in the meanwhile at

some other place as aforesaid. It is, of course, open to the competent authority to get the medical record of the petitioner verified as in course of arguments learned State counsel has submitted that he has no instructions qua the same.”

In response thereto, Mr. Tapan Kumar, DAG, Haryana, has forwarded an order dated 27.08.2021 through whatsapp to admin of VC Group, whereby, the petitioner has been posted as Deputy District Attorney in the Office of Deputy District Attorney under the District Attorney, Rohtak.

In this view of the matter, no further directions are called for and the present writ petition is disposed of as having become infructuous.

(GIRISH AGNIHOTRI)
JUDGE

31.08.2021
anju rani

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