

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

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CWP No.24178 of 2021 (O&M)
DATE OF DECISION : 16TH DECEMBER, 2021

Ct. Ashwani

.... Petitioner

Versus

Union of India & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Nafeesh Ahmed, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India by the petitioner praying for issuance of a writ in the nature of mandamus for deferring/keeping in abeyance the impugned order dated 27.09.2021 (Annexure P-4) qua the petitioner, till the final disposal of the criminal case pending before District & Sessions Judge, Narnaul; along with certain other prayers.

It is submitted by the counsel for the petitioner that the petitioner is a complainant in a criminal case arising on account of murder of his uncle. He is to appear as a witness in the said criminal case. So far, he has not been examined before the trial court. The next date fixed before the trial court is 12.01.2022. The petitioner wants to appear as a witness on the said date. Therefore, the petitioner be protected against his transfer, at least, up to the said date.

Notice of motion.

Ms. Gurmeet Kaur Gill, Sr. Panel Counsel, for Union of India accepts notice on behalf of the respondents. It is submitted by counsel for the respondents that earlier the petitioner had filed a writ petition, which was disposed of by this court with a direction to the respondents to consider the representation filed by the petitioner. The said representation stands decided against the petitioner. Despite that the petitioner has not joined at the new place of his posting. On merits, it is submitted by the counsel for the respondents that the petitioner has already exhausted the maximum period of stay of five years at one place, as is stipulated in the policy, being followed by the department. He could not be retained at the place any more. Therefore, he is to join at the new place of posting.

Having heard the counsel for the parties, this court finds that, essentially, it is a matter of transfer. Therefore, the petitioner does not have any right to claim his stay at any particular place for any particular period. The claim of the petitioner for not transferring him has already been considered and decided by the respondents. This Court does not find any fault with that decision. Hence, the petition filed by the petitioner does not have the force as such; and does not have even any legal basis.

In view of the above, finding no merit in the present petition, the same is dismissed.

16TH DECEMBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No