

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

CWP-25678-2021

Date of decision : 16.12.2021

Sandeep Singh @ Sandeep Singh SainiPetitioner

V/s

Union of India and othersRespondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Karan Raj Singh, Advocate with
Mr. Arvind Kashyap, Advocate for the petitioner.
Mr. Ashish Rawal, Advocate for respondent No. 1-UOI.
Ms. Palika Monga, Deputy Advocate General, Haryana.

G.S. SANDHAWALIA, J. (ORAL)

Present writ petition has been filed against the interim order dated 07.12.2021 (Annexure P-1) passed by Central Administrative Tribunal, Chandigarh wherein the transfer order of respondent no. 4 dated 30.11.2021, applicant before the Tribunal, was stayed and he was allowed to work as Deputy Conservator of Forest, Kaithal till the next date of hearing. The petition is now stated to be pending for 21.12.2021.

The grouse of the petitioner is that he had already joined at Kaithal in pursuance to the order of transfer and therefore, now on account of interim order sent with notice dated 9/10.12.2021 (Annexure P-1), he is not being allowed to work at Kaithal. A perusal of the said order would show that the learned Tribunal had issued notices to respondents to show cause why the original application be not admitted for hearing. It is always open to the petitioner to file an appropriate application before the Tribunal if his interest is affected in any manner as now contended.

We are not inclined at this stage to interfere in the interim order. The extraordinary writ jurisdiction of this Court cannot be invoked, when an

alternate and efficacious remedy is available to the petitioner, keeping in view the law laid down by the Apex Court in ***United Bank of India Vs. Satyawati Tondon and others, (2010) 8 SCC 110***. It was observed therein that it was a self imposed restraint and the alternative remedy was a rule of discretion and not one of compulsion. The principles laid down read as under:-

“30. The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

- (a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;*
- (b) the petition reveals all material facts;*
- (c) the petitioner has any alternative or effective remedy for the resolution of the dispute;*
- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;*
- (e) ex facie barred by any laws of limitation;*
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.”*

Even from the perusal of the interim order would show that it is till the next date of hearing only and is yet to be confirmed.

Accordingly, the petition is disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

December 16, 2021

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No