

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

CWP No. 1855 of 2022
Date of decision: 03.02.2022

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Yadwinder Singh

...Petitioner(s)

Versus

The Central Administrative Tribunal, Chandigarh Bench and others

....Respondent(s)

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

Present: Mr. Jaswinder Singh, Advocate,
for the petitioner.

Mr. Namit Kumar, Advocate,
for respondents No.2 to 5.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed for staying the operation of the transfer order dated 10.12.2021 (Annexure A-1), which was the prayer made before the Central Administrative Tribunal, Chandigarh Bench.

Counsel for the petitioner has vehemently tried to argue on merits regarding the transfer order on account of the fact that the petitioner's name has been struck off from Bathinda Division and he has been transferred to Hoshiarpur Division on account of the fact that he had not joined his earlier place of posting at Bhagta Bhai on account of submitting a medical certificate of illness of a private RMP Doctor since 13.09.2021.

Notice of motion.

Mr. Namit Kumar, Advocate accepts notice on behalf of Union of

India-respondents No.2 to 5 and has pointed out from the Annexures appended

that the Original Application has now been posted for 02.05.2022 by the Tribunal on account of the fact that the guidelines have been issued by the State Disaster Management Authority, U.T., Chandigarh. Therefore, cases pending between 14.01.2022 to 31.01.2022 had been adjourned to various dates. It is pointed out that liberty has been given to counsel for the parties to move an application for pre-ponement if there is extreme urgency.

Counsel for the petitioner, on the other hand, has vehemently argued that while issuing notice on 23.12.2021 (Annexure P-2), the case was adjourned to 10.01.2022 but no order was passed for interim relief. It is further submitted that thereafter also, the matter was adjourned to 27.01.2022 by granting more time to counsel for the Central Government to file written statement.

A perusal of the said order would go on to show that the record in original was also to be produced in case the reply was not filed by 27.01.2022. Mr. Namit Kumar has further pointed out that he has instructions that the reply has also been filed.

In such circumstances, it is apparent that once the pleadings are complete, it would be appropriate if the Tribunal as such passes orders on the interim relief which is sought and it would not be for this Court to opine upon the validity of the said transfer order. The instructions dated 13.01.2022 (Annexure P-4) are crystal clear that counsel for the parties can move an application for pre-ponement in case of extreme urgency. In the considered opinion of this Court, instead of approaching the Tribunal for the necessary relief, the applicant-petitioner has unnecessarily come to this Court for the same prayer.

Accordingly, the present writ petition is disposed of with liberty to

the petitioner to approach the Tribunal by moving an application for pre-ponement for pressing his interim relief. Needless to say that on such an application being filed, this Court is sanguine that the Tribunal shall take into consideration the issue of urgency and pass appropriate orders in accordance with law on the basis of the pleadings of the parties.

The writ petition stands disposed of with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

03.02.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No