

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

103

CWP-7173-2020

Date of decision : 01.04.2022

Shaneel Rana

...Petitioner

V/s

Union of India and others

...Respondents

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

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Dilshad Singh Gill, Advocate for the petitioner.
Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Gurmeet Kaur Gill, Senior Panel Counsel for UOI.

G.S. SANDHAWALIA, J. (ORAL)

Challenge in the present petition is to the order dated 11.03.2020 (Annexure P-8), passed by Central Administrative Tribunal, Chandigarh whereby the transfer order dated 12.06.2019 (Annexure A-1) of the petitioner, who is working as Senior Accounts Officer, from Chandigarh to Ramgarh (Jharkhand), had not been interfered with.

This Court on 18.06.2020, noticed that the petitioner was seeking consideration on compassionate basis for his posting at nearby place subject to further willingness of the petitioner to forego his promotion. The necessary request was made and there was no interim order as such in favour of the petitioner.

The conceded position is that the petitioner thereafter did join at Ramgarh (Jharkhand), the place of his posting. It is also admitted position that on the basis of his request now, he has been brought closer to Chandigarh and now posted at Delhi since July, 2021.

Senior counsel for the petitioner has vehemently submitted that since the petitioner only joined on 28.09.2020, therefore, the intervening period as such

from 12.03.2020 till then, would be adversely held against the petitioner. Accordingly, it is submitted that in such circumstances, matter should be adjudicated upon by this Court.

The Tribunal had already noticed that the transfer is an incidence of service and is not liable to be interfered with. It had also been noticed that petitioner had spent more than 24 years in Chandigarh, 2 years in Jhajjar, 3 years in Delhi and 2 years in Leh. In view of the same, the Tribunal held that the transfer of the petitioner was in conformity with the rules and regulations and, thus, had not interfered with it.

We are of the considered opinion that at this belated stage, once the petitioner has joined his place of posting and has now come closer to Chandigarh, since he was aggrieved of his transfer from Chandigarh, the respondents have partially redressed his grievance. Accordingly, the currency of the litigation has come to an end. The apprehension which has been raised of the intervening period of not been spent on duty can always be contested by the petitioner before the competent forum as and when any order is communicated to him regarding the factum of how the said period has been treated.

Resultantly, the present writ petition is disposed of as having been rendered infructuous in the present facts and circumstances.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

April 01, 2022
Ajay