

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

**C.M. No. 1299-CWP of 2022 in/and
CWP No. 10693 of 2020
Date of decision: 07.02.2022**

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Rakesh Joon

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Anil Mehta, Advocate,
for the applicant-petitioner.

Ms. Palika Monga, DAG, Haryana.

Mr. Lokesh Sinhal, Advocate,
for respondents No.2 and 3.

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

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 1299-CWP of 2022

The present application has been filed for staying the operation of the transfer order dated 31.01.2022 endorsed on 01.02.2022 (Annexure A-2), which has been passed during the pendency of the present writ petition.

Keeping in view the controversy involved, with the consent of counsel for the parties, the main writ petition is taken on Board today itself by pre-poning the date of hearing from 04.05.2022.

C.M. stands disposed of.

CWP No. 10693 of 2020

On an earlier occasion, the petitioner was transferred from Municipal Corporation, Gurugram to Municipal Council, Tauru. Keeping in view the fact that the petitioner has been posted from Municipal Corporation,

Gurugram to the Municipal Council, Tauru and keeping in mind Rule 12 of the Haryana Municipal Corporation Employees (Recruitment and Conditions) Service Rules, 1998, which provides that the member of the service is liable to serve in any Municipal Corporation in the State of Haryana, the earlier transfer order dated 21.07.2020 (Annexure P-10) had been stayed. Now, as noticed, vide order dated 31.01.2022, endorsed on 01.02.2022 (Annexure A-2), the State has transferred the petitioner to Municipal Corporation, Ambala.

In our considered opinion, the writ petition has been rendered infructuous in as much as a fresh order has been passed, though during the pendency of the main writ petition but *prima facie* since it is as per the Rules, it is open as such to the petitioner to file a fresh petition challenging the transfer by also raising challenge to the Rules keeping in view the said facts.

Counsel accordingly prays that the writ petition be dismissed as withdrawn with the aforesaid liberty.

Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

07.02.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No