

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

CWP-22635-2018 (O&M)

Date of decision: September 30, 2022

Bijender Singh Beniwal

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sardavinder Goyal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 28.08.2018 (Annexure P-7) passed by the Director General, Animal Husbandry & Dairying Department, Haryana whereby petitioner has been allegedly transferred from GVH Meham to GVH Chimo, District, Haryana.

2. At the time of issuance of notice of motion, my learned Sister RituBahri, J. (as she was then seized of the matter), passed the following order on 06.09.2018:

“Learned counsel inter alia contends that the petitioner has been transferred malafidely from GV Meham to GVH Chimo District Fatehabad, Haryana, as the petitioner has raised allegations against respondent No. 3 for corruption, who is holding additional charge of Director General AH & D Haryana and has caused loss of crores of rupees to public exchequer. The transfer of the petitioner is only on account of the result of anger shown for raising issues of corruption against respondent No. 3. Learned counsel further informs the Court that the petitioner has not been relieved yet.

Notice of motion for 20.12.2018.

On asking of the Court, Ms. Palika Monga, DAG, Haryana accepts notice on behalf of the State. Learned counsel for the petitioner is directed to supply copy of the petition to the learned State counsel by today itself.

In the meantime, operation of impugned order dated 28/29.08.2018 (P-7) shall remain stayed.”

3. *Apropos*, petitioner continues to be posted at Rohtak and even prior to the interim order, he had been posted there since February-2015 and thus, making a total period of more than 7 years. In any case, allegations of the petitioner *inter alia* are against respondent No.3 stating that it was at his instance that petitioner was transferred. Said respondent No.3 has since also superannuated during pendency of the writ proceedings. Nothing survives for adjudication before this Court. In any case, interim order has already outlived its utility period and/or mitigating circumstances, if any, cease to exist. There is thus no ground to continue further with the writ proceedings.

4. Petition is dismissed. However, impugned order since was passed on the ground of administrative exigency, as per the stand taken by the official respondents, if any such exigency continues to exist as on today, they shall pass fresh orders of transfer of the petitioner, instead of implementing the earlier one which by efflux of time has been rendered infructuous and stale.

5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 30, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No