

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

**CWP-4939-2018 (O&M)
Date of decision: 14.07.2022**

Girish Nagpal

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Vir Sharda, Advocate,
Mr. Amit Prashar, Advocate,
Mr. Amit Jain, Advocate,
For the petitioner.

Ms. Mamta Singla Talwar, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 19.02.2018 (Annexure P-24) whereby the petitioner has been transferred back to the post of Deputy Director, HQ at Panchkula.

2. While issuing notice of motion on 28.02.2018, my learned brother, Arun Palli, J. who was seized of the matter then, passed a detailed order which sums up the controversy and also granted an interim stay. It is apposite to reproduce the same as below:

“Contends, inter alia that the petitioner had served as Deputy Director Agriculture and Farmers Welfare at Panchkula for over a year and half, before he was transferred, pursuant to the order dated 9.1.2018(Annexure P-20), to Ambala. And in compliance thereto, he had joined at his new place of posting. However, one Gurditta Mal, Block Agriculture Officer, Saha, questioned the transfer of the petitioner, vide CWP No.1782of 2018, even though, he could neither claim himself to be an aggrieved person or had any locus. In fact, he filed the aforesaid petition, for, the petitioner had downgraded his ACR, for the period 2015-2016. It is contended, that it was only due to the pendency of the said petition, the respondents have since re-

transferred the petitioner to Panchkula, vide impugned order dated 19.02.2018 (Annexure P-24). Thus, the impugned order was neither passed in administrative interest, nor to meet any administrative exigency. Learned Senior counsel for the petitioner further submits, that even though the impugned order is wholly erroneous, but the petitioner has since been relieved from Ambala, and has joined at Panchkula, though he has proceeded on leave till 4.3.2018.

Notice of motion.

Notice re: stay.

Mr. Siddharth Sanwaria, DAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copy furnished.

Learned State counsel prays for a short accommodation.

Adjourned to 2.5.2018.

Written statement, if any, be filed a week prior to the adjourned date of hearing, with an advance copy to the learned counsel for the petitioner.

In the meanwhile, operation of the order dated 19.02.2018(Annexure P-24), shall remain stayed, till the adjourned date of hearing.”

3. *Apropos* the petitioner continues to be posted at Ambala ever

since and petition has been remained pending in motion hearing and delay has also been attributed to the intervening pandemic when Courts were working under restrictions only matters of extreme urgency were taken up.

4. On resumed hearing today, it transpires from the pleadings as also argued by learned Senior counsel that the cancellation of transfer order of the petitioner took place at the instance of private respondent, namely, Gurditta Mal and feeling aggrieved, the petitioner was compelled to approach this Court seeking stay of the cancellation order.

5. Be that as it may, private respondent-Gurdita Mal has no locus in any case to challenge the transfer of the petitioner regardless of his grievance if any, which does not survive any more in view of his having superannuated from the service during pendency of the proceedings.

6. In the premise, writ petition is rendered infructuous and disposed of accordingly as nothing survives for adjudication.
7. Pending applications including applications for impleadment shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 14, 2022
Vandana

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