

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

LPA-130-2023 (O&M)
Date of decision:- 09.02.2023

Food Corporation of India and others

...Appellant(s)

Versus

Sushil Kumar and another

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Gurminder Singh, Senior Advocate,
with Mr. K.K. Gupta, Advocate,
for the appellants.

Mr. D.S. Patwalia, Senior Advocate,
with Mr. Barjesh Mittal, Advocate,
Ms. Sehar Navjeet Singh Sandhu, Advocate,
for the caveator - respondent No. 1.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal is directed against the interim order dated 30.01.2023 passed by the learned Single Judge in a writ petition filed by the petitioner (respondent No. 1 herein), whereby operation of the transfer order dated 19.01.2023 as well as the relieving order dated 20.01.2023 was stayed.

After we had heard the matter at some length, learned senior counsel for respondent No. 1 would submit that he shall not join his earlier place of posting till the matter is finally decided.

In response, learned senior counsel for the appellants fairly states if that be so, then the said period would be treated as leave and the authorities shall not insist on respondent No. 1 to join at the transferred place of posting.

Further, to address the concern that is being expressed by learned senior counsel for the appellants that since vide impugned order operation of the orders assailed before the Writ Court has been stayed, the same would even enure to the advantage of those who have not questioned their transfer. Suffice it to say, the order passed by the learned Single Judge is confined to the parties to the lis and there could not be any general order staying the entire order of transfer even in respect of those who are not before the Writ Court.

Taking the aforesaid aspect into consideration and also observing that the observation made by the learned Single Judge in the interim order dated 30.01.2023 shall not be treated as final or shall not influence the final

decision in the writ petition, the appeal is disposed of with a request to the learned Single Judge to take up the writ petition at the earliest by pre-poning it and thereafter decide the same as far as possible within a period of two weeks.

Learned senior counsel appearing for both the parties undertake to complete the pleadings before the learned Single Judge within a week before the date fixed i.e. 23.03.2023.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

09.02.2023
Amodh Sharma

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