

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

**LPA No.168 of 2023 (O&M)
Date of Decision :17.02.2023**

Food Corporation of India and others

.....Petitioners

Versus

Kimmi Mukhija and others

..... Respondents

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

Present : Mr. K.K.Gupta, Advocate for the appellants.

Mr. Munish Behl, Advocate and
Mr. Malkiat Singh Hundal, Advocate
for caveator-respondents.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

This appeal is directed against the interim order dated 25.01.2023, passed by the learned Single Judge in a writ petition filed by the petitioners (respondents herein), whereby operation of the transfer order dated 19.01.2023 was stayed.

After we had heard the matter at some length, learned counsel for the respondents would submit that they shall not join their earlier place of posting till the matter is finally decided.

In response, learned 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 respondents to join at the transferred place of posting.

Further, to address the concern that is being expressed by learned 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 25.01.2023 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.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.02.2023
Manoj Bhutani

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