

2023:PHHC:116805

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

RSA-1871-1992 (O&M)
Date of decision: 05.09.2023

State of Punjab and another

..Appellants

Versus

Kulwant Singh

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ajit Singh Natt, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This is the defendant's Regular Second Appeal against the judgment passed by the First Appellate Court while reversing the judgment and decree passed by the trial court. It has been found that the respondent was employed as a Chowkidar in the year 1973 and thereafter, he was adjusted as Peon. However, he was transferred out of his cadre to Patiala. When he went to Patiala to join the cadre, he was not permitted to join. Again, the respondent reported back at the Headquarters but once again, he was directed to join at the transferred place of posting. Again, the competent authority did not permit him to join. Thus, the First Appellate Court has found that the services of the respondent could not be dispensed with in this manner.

2. Learned counsel representing the appellant submits that the appeal would have been rendered infructuous as the respondent, on attaining the age of superannuation, in ordinary course, would have retired.

3. Keeping in view the aforesaid facts, the appeal is dismissed as having been rendered infructuous.

4. All the pending miscellaneous applications, if any, are also disposed of.

05.09.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE