

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

CWP-8752-2020 (O&M)

Date of decision : 09.02.2023

Kuldeep Aggarwal

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Harsh Chopra, Advocate for
Mr. Prateek Gupta, Advocate
for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

Counsel for the State refers to para 2 of the reply by way of affidavit of Rakesh Kumar, Joint Secretary to the Government of Punjab, Department of Local Government, Punjab on behalf of respondents No.1 and 2 to submit that the present writ petition has been rendered infructuous.

2. Petitioner herein who is working as Assistant Municipal Engineer and is posted at Municipal Corporation, Ropar is aggrieved of repeated transfers. Stand of respondents in their reply *prima facie* redresses the grievance raised in the writ petition as under:-

“xx xx xx

2. That in this regard, it is submitted that this Hon'ble Court vide order dated:- 14-7-2020 has stayed the operation of above orders qua the petitioner only, which made the transfer of Respondent no.4 ineffective. The grievances of the petitioner in the writ petition is in regard to the transfer of respondent no 4 at Municipal Council Roopnagar as there is only one sanctioned post of Assistant Municipal Engineer, Now, the government vide order dated: 15-7-2020 has transferred Sh Harjeet Singh Sethi from Municipal Council, Rupnagar to Municipal Council, Banga. The petitioner is working at

the sanctioned post of Assistant Municipal Engineer at Municipal Council, Rupnagar. In the way grievance of the petitioner is redressed. Hence, the present writ petition becomes infructuous. Copy of the transfer order of Respondent No 4 is attached as Annexure R-1/T.”

3. Counsel for the petitioner however refers to earlier round of litigation wherein same *modus of operandi* was evolved. Reference is being made to interim order dated 05.03.2019 passed in CWP-5744-2019 and final order dated 07.05.2019 in the said writ petition to submit that time and again the petitioner is being made to rush back to this Court and at this juncture, the petitioner is left with around 08 months of service.

4. Counsel for the respondents-State submits that the apprehension raised by the petitioner is ill founded and the respondents will abide by the policy decision P-11 wherein an employee nearing his superannuation is not to be transferred.

5. Disposed off as having been rendered infructuous.

6. Since the main case has been decided, all pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

09.02.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No