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2023:PHHC: 117117

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

**CWP-12242-2021 (O&M)
DECIDED ON:05th SEPTEMBER, 2023**

NARENDER SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajesh Garg, Sr. Advocate with
Ms. Neha Matharoo, Advocate
for the petitioner.

Mr. Sandeep S. Mann, Addl. AG, Haryana.

Mr. Brijesh, Advocate for
Mr. Rajesh Gaur, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

CM-14182-2021

Prayer in the present application is for placing on record the
Annexures P-7 to P-12.

Notice of the application.

At the asking of Court, Mr. Sandeep S. Mann, Addl. AG,
Haryana accepts notice on behalf of respondent-State whereas, Mr.
Brijesh, Advocate appearing on behalf of Mr. Rajesh Gaur, Advocate
accepts notice on behalf of respondent No.2 and submits that they have
no objection in case the present application is allowed.

Application is allowed, as prayed for.

Annexures P-7 to P-12 are taken on record subject to all just exceptions.

CWP-12242-2021

1. The jurisdiction of this Court under Articles 226/227 of the Constitution of India has been invoked for issuance of a writ in the nature of *Certiorari* to quash the impugned order dated 01.07.2021 (Annexure P-6) whereby, the petitioner was reverted from the post of Clerk to the post of Beldar.

2. While issuing notice of motion vide order dated 09.07.2021, the operation of impugned order dated 01.07.2021 (Annexure P-6) was stayed. It is submitted by learned counsel for the petitioner that during the pendency of present petition, an application bearing CM No. 14184-2021 has been preferred by the applicant/petitioner for staying the transfer order dated 16.09.2021 (Annexure P-7) vide which the petitioner was temporarily transferred from Hisar to Sirsa.

3. It is submitted by learned Senior counsel for the petitioner that on account of *mala-fide* respondent No.2 has transferred the petitioner from Hisar to Sirsa vide order dated 16.09.2021 (Annexure P-7), which is totally against the transfer policy and rules and only out of malice did so in a vindictive attitude against the petitioner for preferring the instant petition asserting that it is a clever device adopted by respondent No.2 just to harass and humiliate the petitioner, though was stayed by a co-ordinate Bench of this Court vide order dated 05.10.2021.

4. Today, learned counsel appearing for respondent No.2 after completion of arguments at length sought time to get instructions and, therefore, the case was passed over.

5. Now, at this stage, it is submitted on behalf of learned counsel for respondent No.2 that the respondent No.2-agency will withdraw the impugned reversion order dated 01.07.2021 (Annexure P-6) as well as the subsequent order under the same number and date (Annexure R2/6), attached with its short reply dated 29.11.2021 to the application under Section 151 CPC. A liberty was also prayed for to proceed afresh as per law in the matter.

6. In view of the afore-said facts and circumstances, this Court does not deem it necessary to deal with the submissions on merit and therefore, in the light of statement made by Mr. Brijesh, learned Advocate for respondent No.2, the present petition is accordingly disposed off with liberty to proceed afresh against the petitioner, if so advised, accepting the statement of respondent No.2.

7. In the changed factual aspect wherein the impugned reversion order dated 01.07.2021 (Annexure P-6) and subsequent order of the even date (Annexure R-2/6) will be withdrawn by respondent No.2 and no serious contention qua the transfer order dated 16.09.2021 (Annexure P-7) has been raised, the transfer order (Annexure P-7) is hereby, ordered to be quashed on account of the fact that temporary transfer was also made without following necessary procedure, as is evident from the instructions dated 18.07.2019 (Annexure P-8) wherein each and every single case of temporary transfer can be passed only with the prior approval of the Chief Minister.

8. Hence, the respondents are directed to allow the petitioner to join at the post of Clerk in the O/o Chief Seed Certification Officer,

Hisar within a period of three days from the receipt of certified copy of this order.

9. In the afore-said terms, the present petition is disposed off.
10. All the pending misc. applications shall also stands disposed off.

5th SEPTEMBER, 2023

(SANDEEP MOUDGIL)
JUDGE

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