

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-659-2023 (O&M)

Date of decision:- 22.05.2023

Ramandeep Kaur

...Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Harmanpreet Sehgal, Advocate,
for the appellant.

Mr. Arjun Sheoran, Deputy Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been directed against an order dated 05.05.2023 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein).

The order dated 05.05.2023 passed by the learned Single Judge is in the following terms:-

“Admittedly, the petitioner though not eligible, applied for the transfer. Subsequently, when this fact came to the notice of the authorities, her transfer has been cancelled.

In view of the aforesaid fact, no ground to issue the writ as prayed for is made out.

Dismissed.

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

Learned counsel for the appellant submits that the appellant had filed the writ petition challenging an order dated 07.07.2022 (Annexure P-4) by which her relieving orders were cancelled. He makes a statement to the effect that a bare perusal of the aforesaid order makes it clear that the respondent-authorities had not cancelled the order transferring the appellant, but had only cancelled her relieving orders. He submits that the learned Single Judge had dismissed the writ petition on the ground that the transfer order was cancelled on account of the fact that the appellant was not eligible.

Having heard learned counsel for the parties, it is evident that the aforesaid aspects raised by the appellant have not been gone into by the learned

Single Judge, moreso, in view of the fact that inspite of the orders relieving the appellant having been cancelled, she continues to remain at her transferred place of posting i.e. Sri Muktsar Sahib in view of the fact that her order of transfer has not been cancelled and in view of the interim order passed by the learned Single Judge.

In the circumstances, we deem it appropriate to remit the matter back to the learned Single Judge for deciding the same afresh by taking all the aspects into consideration as well as, if so required, hearing the other side.

The appeal accordingly stands disposed of.

In the meanwhile, till the matter is taken up by the learned Single Judge again, interim order dated 13.07.2022 passed by the learned Single Judge shall continue to remain in operation.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

22.05.2023
Amodh Sharma

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