IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(Sr. No. 248)

CWP No. 13450 of 2023

Date of decision : 20.07.2023

Ravinder Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. R. Kartikeya, Advocate,
Ms. Sidhi Bansal, Advocate,
Ms. Ridhi Bansal, Advocate and
Ms. R. Akanksha, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A. G. Haryana.

Mr. Puneet Jindal, Senior Advocate with
Mr. Navneet Jawanda, Advocate for respondent No.2.

* * *

DEEPAK SIBAL, J. (*Oral*)

(1) The present petition has been directed against the order dated 06.06.2023 (Annexure P-1) through which the petitioner has been transferred from the office of DETC Excise, Gurugram East to DETC, Haryana Institute of Public Administration, Gurugram. The primary ground of challenge is that through an earlier order dated 27.03.2023 the petitioner was transferred from the office of DETC - Excise, Gurugram East. He challenged such order through a writ petition being *CWP No.6842 of 2023 - Ravinder Singh Vs. State of Haryana & Anr.* in which this Court, on

SUNIL YADAV
2023.07.27 18:18
I attest to the accuracy and
authenticity of this order.

29.03.2023, had directed to maintain *status quo* with regard to the petitioner's posting which petition is still pending. However, despite the order of *status quo*, through the impugned order, the petitioner has again been transferred. Therefore, the impugned transfer was illegal being in violation of the *status quo* order passed by this Court.

(2) On 16.06.2023, this Court passed the following order :-

> *"Challenge in the present petition, is to the order dated 06.06.2023 passed by the Principal Secretary to Govt. of Haryana, Department of Excise and Taxation whereby the petitioner has been transferred as Deputy Excise & Taxation Commissioner, HIPA from the post of DETC East (Ex.), Gurugram.*
>
> *Counsel for the petitioner contends that the petitioner was earlier transferred from the above post of DETC, Excise (East), Gurugram to DETC, Inspection (Sales Tax), Hisar. The aforesaid order of transfer dated 27.03.2023 was challenged by the petitioner in CWP-6842-2023.*
>
> *Vide order dated 29.03.2023 in the above writ petition, this Court directed as under:-*
>
> > *"In the meanwhile, status quo qua the posting of the petitioner, shall be maintained till the next date".*
>
> *It is submitted that despite direction by the Court to maintain status quo qua the posting of the petitioner till the next date, which such order has been extended by the Court and has not been vacated/modified till date, the respondents, have vide the order impugned in the present petition, committed a violation of the aforesaid order in directing posting of the petitioner as DETC, HIPA, Gurugram.*
>
> *A written statement by Sandeep Sharma, Under Secretary to Government of Haryana, Excise and Taxation Department on behalf of respondent No.1 has been filed today in the Court wherein the respondent No.1 has stated that respondent No.2 had joined the Post of DETC Excise (East) Gurugram on 28.03.2023 and with a view to avoid the administrative difficulties, the posting order of the petitioner has been issued for HIPA,*

SUNIL YADAV
2023.07.27 18:18
I attest to the accuracy and
authenticity of this order.

> *Gurugram. Reference is also made to the averments made by the petitioner in his earlier writ petition bearing CWP-6842 of 2023 to the effect that the challenge to the orders was for the reason that his mother is unwell and it is submitted that the prime grievance of the petitioner stands redressed since his substantive posting is kept at Gurugram itself.*
>
> *It is, however, not disputed that the order of status quo was qua the posting of the petitioner to be maintained and that such order of status quo qua the posting has not been modified by this Court on any appropriate application moved by the respondent-State or the aggrieved respondent therein. In the absence of any modification in the direction by this Court to the respondents to maintain the status quo qua the posting of the petitioner, passing of any renewed order is apparently an attempt to over-reach an order already passed by this Court.*
>
> *The order in question is apparently a contempt of this Court, hence, let the Principal Secretary, Department of Excise & Taxation remain present in the Court and also file an affidavit giving reasons as to why the proceedings for contempt of Court be not initiated against him. It is also felt necessary that the Principal Secretary shall make every endeavour to ensure that the sanctity of the earlier orders passed on 29.03.2023 is maintained till such time that the above said order is modified on an appropriate application by the competent Court.*
>
> *To come up on 20.07.2023 for further consideration."*

(3) In pursuance to the afore quoted order Mr. Devinder Singh Kalyan, Principal Secretary to Government of Haryana, Excise and Taxation Department has appeared and also filed his own affidavit through which, after tendering unconditional apology, it is submitted that the State has withdrawn the impugned order dated 06.06.2023.

(4) The unconditional apology tendered by Mr. Devinder Singh Kalyan is accepted.

SUNIL YADAV
2023.07.27 18:18
I attest to the accuracy and
authenticity of this order.

(5) In the light of the afore development learned counsel for the petitioner submits that the present petition has been rendered infructuous.

(6) Dismissed as infructuous.

20.07.2023 **(DEEPAK SIBAL)**
sunil yadav **JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No

SUNIL YADAV
2023.07.27 18:18
I attest to the accuracy and
authenticity of this order.