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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13517-2023 (O&M)
Date of Decision:17.07.2023

LT. COL ANKUSH BATRA

..... Petitioner

Versus

UNION OF INDIA AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Siddharth Sanwaria, Advocate
for the petitioner.

Ms. Anita Balyan, Senior Panel Counsel
for the UOI- respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of posting order dated 09.06.2023 whereby petitioner has been transferred from Panchkula to Kolkata (West Bengal). The petitioner is further seeking direction to respondents to allow his application seeking premature retirement.

2. Learned counsel for the petitioner *inter alia* contends that respondent has adjudicated application of the petitioner seeking premature retirement without granting opportunity of hearing. On the one hand, the respondent in reply has confirmed that petitioner was downgraded in his medical category for primary hypertension, Dyslipidaemia and impaired glucose tolerance and on the other hand application of the petitioner seeking premature retirement has been rejected.

3. Learned counsel for the respondent pointing out reply

submitted that petitioner can again apply for premature retirement which will be considered on merits as well as changed dynamics and cadre strength of the organization.

4. In view of statements of both side, without commenting upon the merit of the case, the present petition stands disposed of with liberty to petitioner to file afresh application within week from today, seeking premature retirement which thereafter shall be adjudicated by respondent within a period of four weeks after granting opportunity of hearing.

5. Pending misc. applications, if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

17.07.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>