

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

117

CWP No.14443-2023
DECIDED ON: 14.07.2023

Kuldip Singh

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Gursharan Singh, Advocate, for the petitioner.
Mr.D.K.Singal, Addl.AG, Haryana.
Mr. J.S.Mehal, Advocate, for intervener Baljinder Singh.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioner, by way of this writ petition, assails the order dated 30.06.2023 and subsequent order passed on the same date, whereby the earlier transfer order passed 30.06.2023 was cancelled transferring the petitioner from Jalandhar to Amritsar. He also challenges the subsequent order passed on 30.06.2023, whereby the petitioner was transferred from Jalandhar to Tarantaran.

2. It is stated that the orders of cancellation and subsequent transfer were issued on the back date and the petitioner had, in the meanwhile, already joined at Amritsar on 03.07.2023.

3. Learned counsel submits that the petitioner had requested for transferring him from Jalandhar to Amritsar and there was no occasion to cancel the same and pass a fresh order of transferring him to Tarantaran. Learned counsel submits that the petitioner is due to retire on 31.03.2024 and he should be allowed to continue at Amritsar.

4. Counsel appears as an intervener on behalf of the person Baljinder Singh, who has been transferred in place of petitioner to Amritsar and states that he has already joined at Amritsar again where he was posted in March 2023.

5. Learned counsel appearing for the State has, upon instructions, informed that as far as orders of intervener Baljinder Singh is concerned, he had been transferred to Amritsar on 28.04.2023 and in general transfer orders, the petitioner was transferred to Amritsar. Upon realizing, the administration transferred the petitioner to Tarn Taran, which is about 25 kms away from Amritsar, while cancelling the earlier transfer order and restoring Baljinder Singh at Amritsar.

6. As the petitioner himself requested for his transfer at the fag end of his service, he cannot take a plea that the transfer orders cannot be passed on the verge of retirement. Further, this Court noticed that the transfer order passed on 30.06.2023 was cancelled on the same date and the petitioner was directed to join at Tarn Taran, however, it seems that he has ignored the cancellation order and proceeded to join on the basis of the cancelled order. No right is created in his favour on the basis of a cancelled order. The petitioner has already been relieved from Amritsar. He should join at Tarn Taran, which is only 25 kms away.

7. Petition is devoid of merit and is accordingly dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

14.07.2023

mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No