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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15266-2023

Date of Decision: 20.07.2023

Gurmeet Singh

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Sutikshan Sharma, Advocate
 for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. By way of present Writ Petition, the petitioner assails the order dated 30.06.2023 (Annexure P-6) whereby the petitioner's transfer order, passed on the same day earlier posting him to Gurdaspur from Hoshiarpur, was cancelled.
2. Learned counsel submits that the order impugned is an order passed in back date and has been only issued w.e.f. 30.06.2023 because there was a ban to make the transfers after 30.06.2023.
3. Learned counsel submits that the petitioner had joined at Gurdaspur on 04.07.2023 and the transfer order has been cancelled thereafter.
4. I have considered the submissions.
5. The question as to whether an order is passed in back date or not is purely factual which cannot be examined by this Court in writ jurisdiction. The aspect of petitioner having joined at his new place of

posting in terms of the earlier order passed on 30.06.2023 ignoring the subsequent order dated 30.06.2023 would not create any right in favour of the petitioner. There can be chances where the order of cancellation may not have been served upon the petitioner or he may have ignored it. In any of the circumstances, the joining of the petitioner at the place of posting, which stood already cancelled, cannot be said to create any right in his favour.

6. The said joining is clearly illegal in terms of the order of cancellation dated 30.06.2023.
7. Since there is no allegation of *mala fide* on the part of the officers issuing the transfer orders, no interference otherwise can be made to an order of transfer or cancellation which is purely administrative exigency of service.
8. Writ Petition is dismissed accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 20, 2023

Mohit goyal

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No