

CWP No.441 of 2016

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MANOJ KUMAR
2023.08.01 10:19

2023:PHHC:097927

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CWP No.441 of 2016

Jot Ram

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

And

2. CWP No.4053 of 2020

Jot Ram

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

Date of decision : 27.07.2023

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Amit Chauhan, Advocate for
the petitioner in CWP No.441 of 2016.
Mr. Gourav Jain, Advocate for the petitioner
in CWP No.4053 of 2020.
Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

By way of this common order, aforesaid two writ petitions, details of which have been given hereinabove, are being disposed of together as the dispute pertains to the same parties on identical facts and questions of law are involved in the same.

The grievance, which is being raised by the petitioner is that he is not medically fit as he has donated one of his kidneys to his son and keeping in view his medical condition though he was allocated headquarter cadre but on sympathetic ground, he has been transferred to a district cadre and hence he should be allowed to continue in the district cadre in case, the same is permissible

by considering his case compassionately.

Learned State counsel submits that though it is a matter of fact that keeping in view health condition of the petitioner, he is already posted in district Cadre but as the claim was subjudice before this Court, no final decision was taken. Learned counsel for the respondents further submits that, in case, any representation is filed by the petitioner seeking to continue in the district cadre on health grounds, said representation will be considered sympathetically and appropriate order will be passed.

Learned counsel for the petitioner submits that keeping in view statement of learned State counsel, present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to file appropriate representation raising the said claim before the Authority concerned to consider the request sympathetically.

Ordered accordingly.

Learned counsel for the petitioner further submits that as representation is to be filed now, therefore, till the decision of the said representation by the Authority concerned, the petitioner be allowed to continue in the district cadre otherwise he will face prejudice.

Taking note of the medical condition of the petitioner and also the fact that due to his having one kidney, he cannot travel much, it will be appropriate that the petitioner is allowed to continue at the present place of posting in district cadre till the decision of the representation.

A photo copy of this order be placed on the connected file.

July 27, 2023
manoj

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No