

CWP No. 22083 of 2023

2023:PHHC:127606

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CWP No. 22083 of 2023

Date of Decision : 03.10.2023

Ramesh Punia

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanchit Punia, Advocate for
Mr. Harish Bhardwaj, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

Learned counsel for the petitioner submits that his representation dated 21.08.2023 has been taken into account, whereas vide order dated 24.08.2023 (Annexure P-8) the petitioner was given liberty to supplement the said representation, which was actually done by the petitioner vide representation dated 28.08.2023 (Annexure P-10), wherein, the petitioner had raised that though, there is no disease spreading in Palwal, but he has been transferred without any reason and as well as that the transfer is punitive in nature and not on administrative grounds and is illegal in view of the judgment passed by the Hon'ble Supreme Court of India in ***Somesh Tiwari Vs. Union of India and others***, 2009 AIR (SCW) 854 but impugned order is passed without noticing the contentions raised in the representation dated 28.08.2023.

Learned counsel for the petitioner argues that the factors mentioned in the said representation have not at all been taken into account while passing the impugned orders, hence, the respondents are under obligation to pass a fresh order.

Notice of motion.

On the asking of the Court, Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondents submits that appropriate order on the representation dated 28.08.2023 (Annexure P-10) will be passed within a period of two weeks of the receipt of copy of this order.

Learned counsel for the petitioner submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to file appropriate application in case the respondents do not decide the representation as per their undertaking.

Ordered accordingly.

October 03, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No