

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-760-2024 (O&M)
Date of decision:- 20.03.2024

Sanjeev Dutt Sharma
...Appellant(s)

Versus

State of Haryana and others
...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE**
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Surinder Singh Duhan, Advocate,
 for the appellant.

 Mr. Deepak Balyan, Additional Advocate General, Haryana,
 for respondents No. 1 and 2.

 Mr. R.K. Arora, Advocate,
 for respondent No. 6.

* * * *

G.S. SANDHAWALIA, A.C.J. (ORAL)

CM-1876-LPA-2024

For the reasons mentioned therein, the application for grant of
leave to appeal against the interim order dated 07.07.2023 is allowed.

LPA-760-2024

1. The limited prayer which the appellant has against the interim
order dated 07.07.2023 passed by the learned Single Judge in
CWP-14222-2023 is that the writ petitioner-respondent No. 6, who was posted
as Chief Engineer, YWS (South), Delhi, Irrigation & Water Resources
Department, Haryana, Panchkula, had got stay on the operation of the transfer
order dated 03.07.2023 (Annexure P-1). By virtue of the said transfer order,
the writ petitioner-respondent No. 6 had to replace the appellant as the Chief
Engineer at the Bhakra Beas Management Board (BBMB).

2. It is stated that the appellant had already served for more than two years in the BBMB and had relinquished charge on 03.07.2023 and submitted his joining report in the Head Office, Sector 5, Panchkula (Annexure A-3) in pursuance to the transfer order. It is submitted that, thus, he is being adversely affected by virtue of the said order as no relief was sought against him and the writ petitioner-respondent No. 6 had an independent remedy as such against the transfer order. It is submitted that the writ petition alongwith CMs-18007, 11105 & 11112-CWP-2023 has now been posted to 27.05.2024 by the learned Single Judge.

3. Notice of motion.

4. Mr. Deepak Balyan, learned Additional Advocate General, Haryana, accepts notice on behalf of respondents No. 1 and 2, whereas Mr. R.K. Arora, learned counsel, accepts notice on behalf of respondent No. 6.

5. Keeping in view the above, we are of the considered opinion that apparently on 10.07.2023 (Annexure A-7), the appellant was directed to join his previous place of posting in view of the stay order passed. Reference has also been made to clause 2 of the policy dated 21.05.2021 (Annexure P-2) issued by the Government of Haryana to the effect that the tenure of a Chief Engineer with the BBMB will be for a period of one year and only if he wants to continue, he will be allowed to do so.

6. In such circumstances, let respondent No. 1 take a call as to whether the appellant can be adjusted elsewhere as he is not a contesting party as such in the litigation *interse* the writ petitioner-respondent No. 6 and the State of Haryana and only on account of the consequential fall-out of the interim order he is the interested party.

7. Let the needful be done within a period of 10 days.

8. With the aforesaid observations, the appeal stands disposed of.
9. Needless to clarify that we have not commented on the merits of
the order passed by the learned Single Judge in any manner.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

20.03.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No