

CWP-10800-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

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CWP-10800-2023 (O&M)
Date of Decision: 16.09.2024.

Ram Nandan Yadav

...Petitioner.

Versus

Union of India and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Rajiv Sharma, Advocate for the petitioner.

Mr. Ashish Rawal, Advocate for respondents No.1 to 3.

LISA GILL, J. (Oral)

1. Prayer in this writ petition is for setting aside interim order dated 08.05.2023, whereby interim relief, as prayed for, by the petitioner in respect to his transfer order dated 23.07.2021, was not afforded by learned Central Administrative Tribunal, Chandigarh Bench.

2. Operative part of impugned order dated 08.05.2023 passed by the Tribunal reads as under:-

“4. We have perused pleadings on record as well as facts of the case and we find that benefit of the transfer has already been given to the applicant with reference to his child in Class X. The applicant had also at that time given undertaking as reflected in the order dated 27.03.2023 passed by this Tribunal in the earlier O.A No.060/00839/2021 filed by the applicant, which reads as under:-

“8. In view of the various judgments of the Hon'ble

Apex Court, as also indicated in para 5 above, this Tribunal has very limited scope to interfere in the transfer matters. More so, since the applicant himself has given undertaking that he is ready to go any station after Class-X exams of his son, we do not find that any ground is left for him to pursue this matter. When the O.A. was filed, son of the applicant was in 10th class. The academic session stood completed in March, 2022. Moreover, the applicant undertook to serve anywhere after completion of the academic session of his son so nothing remains in the original application.”

5. In view of the above facts of the case, no case for grant of interim relief is made out. Prayer for staying of relieving order dated 13.04.2023 is rejected.”

3. Notice of motion was issued in this writ petition on 29.05.2023 and family of the petitioner was permitted to continue in government quarter allotted till the next date of hearing i.e. 12.07.2023, probably taking in account the fact that petitioner's child was stated to be studying in Class 10+2 at that point of time.

4. Learned counsel for petitioner submits that the petitioner has joined at the place of posting in terms of impugned transfer order and at this stage seeks indulgence of this Court to the extent that petitioner's family members may be permitted to continue to remain in possession of the allotted residential accommodation as petitioner is likely to be transferred back in May, 2025. He is however unable to point out any particular rule which permits such course of action. It is however submitted that such indulgence has been granted to certain other families, though no such example is before us at this stage.

5. Learned counsel for respondents No.1 to 3 had pointed out that interim order permitting the petitioner's family to continue residing in the government accommodation was passed so that petitioner's child may

complete his study in 10+2. The child has admittedly completed his curriculum successfully in 10+2 in March, 2024.

6. The O.A. before learned Tribunal is informed to be still pending adjudication. Present petitioner by way of said O.A. has challenged order dated 23.07.2021, whereby he has been transferred and various grounds have been raised by the petitioner therein which are necessarily within the realm of consideration by learned Tribunal.

7. Keeping in view these facts and circumstances, we do not find any ground for continuance of the present proceedings, wherein the petitioner has admittedly joined at the place of posting as per transfer order and prayer in this writ petition is for setting aside order dated 08.05.2023, whereby interim relief of stay of operation of transfer order dated 23.07.2021 and relieving order dated 30.04.2023 was not afforded. In so far as the question of retention of residential quarters by family of petitioner is concerned, it is for the petitioner to pursue the matter with the authorities in accordance with applicable rules, if any, as may be advised.

8. In view of the above, writ petition is dismissed. Petitioner shall be at liberty to take all pleas available to him before learned Tribunal.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

16.09.2024.
komal

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No