



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.132

CWP-20912-2024
Date of Decision: 28.08.2024

Anil Kumar

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Dhruv Sihag, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 13.12.2023, Annexure P-10, whereby the petitioner's representation against his transfer to district Faridabad pursuant to online transfer drive, dated 03.10.2023, was rejected.

2. The petitioner was aggrieved against allocation of district Faridabad in the online transfer drive, dated 03.10.2023, as he claimed somebody else fraudulently manipulated his MIS portal and wrongly submitted Faridabad as his first preference. He earlier approached this Court against the impugned order, dated 13.12.2023, by filing CWP No.700 of 2024 which was disposed of vide order dated 12.01.2024.

3. It has been contended by learned counsel for the petitioner that the petitioner has a right to approach this Court again by filing the instant petition as he has a fresh cause of action arising due to failure of the Police to act on his complaint/FIR, bearing no.0108 dated 17.06.2024, registered under Sections 66 and 66(c) of the Information Technology Act, 2000, at

Police Station Cyber Manesar, District Gurugram. Therefore, the petition is



maintainable despite the earlier one having been disposed of by this Court vide order dated 12.01.2024.

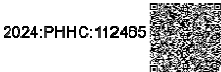
4. Arguments advanced by learned counsel for the petitioner have been considered.

5. It remains undisputed that the petitioner earlier approached this Court on the same cause of action, i.e., challenging the order dated 13.12.2023, by filing CWP No.700 of 2024, which was disposed of vide order dated 12.01.2024, with the following observation:

3. A perusal of the impugned order, dated 13.12.2023, shows that the petitioner has submitted his options from different I.P. addresses, and final submission was made on 03.10.2023 giving option/preferences of his choice for posting, and based on that he was allocated Faridabad district being the first preference. Although he has alleged fraud and cyber crime regarding submission of preferences on his behalf on the MIS portal, an FIR in that regard already stands lodged by him with the police. The matter is under investigation and its outcome is still awaited. In these circumstances, the Department, vide impugned order, has stated that it “will act accordingly as the report or conclusion of the investigation would suggest”. Apparently, petitioner’s claim for change of option from Faridabad to Hisar (wrongly mentioned as Hisar to Faridabad) will be considered after conclusion of investigation.

4. In view thereof, there is no cause to the petitioner at this stage to file the petition.

6. The grievance raised by the petitioner regarding manipulation of his MIS portal was duly considered by the competent authority, leading to passing of the impugned order, wherein it was undertaken that his claim for



change of option from Faridabad to Hisar would be looked into after conclusion of the investigation in the FIR. As of now, the investigating agency has not concluded the investigation; nor has it reached any conclusion as to whether the petitioner’s MIS portal was manipulated resulting in submission of wrong option on his behalf. The petitioner himself approached the Police by lodging the complaint/FIR in question. In case there is any lapse in concluding the investigation, he has the option to avail appropriate remedies against it which has not been done. Mere delay on the part of investigating agency cannot give him any fresh cause of action to file the instant petition impugning the order dated 13.12.2023, against which challenge has already been declined by this Court vide order dated 12.01.2024.

7. Situation remains the same as it was on the date of decision of the earlier petition. The petitioner’s allegations regarding fraudulent submission of transfer preferences on his behalf, are still to be established. Accordingly, filing of the instant petition is an abuse of the process of law.

8. In view thereof, the petition stands dismissed with costs of ₹10,000 to be deposited by the petitioner with the Poor Patients Welfare Fund, PGIMER, Chandigarh, within four weeks; a copy of its receipt shall be placed on the case file within two weeks thereafter.

(TRIBHUVAN DAHIYA)
JUDGE

28.08.2024
Maninder