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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-40277-2018

Date of Decision: 13.05.2024

NAND LAL MISHRA GS-167960A

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : None for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General with
Ms. Gurmeet Kaur Gill, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. On 21.12.2018, the following order was passed:

“Inter alia contends that the petitioner is serving in General Reverse Engineer Force (Border Roads Organization) and has been transferred, in violation of transfer policy/instructions (Annexure P/5) clause 17 thereof. Vide impugned order dated 29.06.2018 (Annexure P-4) he has been transferred from Chandigarh to HQ 48, BRTF, Tinsukia, Arunachal Pradesh. Notwithstanding that he is undergoing medical treatment in Command Hospital, Chandimandir as well as PGIMER, Chandigarh owing to the chronic Bronchial Asthma. The petitioner was earlier posted to Chandigarh on compassionate grounds due to his ailment so as to enable him to get treatment. The learned counsel for the petitioner states that the petitioner will not survive at the high altitude far flung area in Tinsukia, Arunachal Pradesh. Further contends that his place of posting is across a river called Pagal Nadi and there is no medical facility for at least



100 kms. in the event of any emergency.

Notice of motion.

Ms. Neha Sharma, Advocate appears and accepts notice on behalf of the respondents-Union of India and seeks time to file reply.

Mr. Satyapal Jain, Additional Solicitor General of India, appearing on behalf of respondents-Union of India under instructions from his clients states that the impugned transfer order will be re-considered in the event petitioner gives his alternative options as may be suitable to him.

Adjourned to 18.03.2019.

In the meanwhile, the operation the impugned transfer order dated 29.06.2018 (Annexure P-4) and movement order dated 25.10.2018 (P/8) shall remain stayed until the next date of hearing. The petitioner is at liberty to give his choices as per the offer made by the learned Additional Solicitor General of India.”

2. Mr. Satya Pal Jain, Additional Solicitor General submits that petitioner has retired from service on 31.12.2023, thus, present petition has rendered infructuous. He further submits that respondent either has released or is in the process of releasing retiral dues of the petitioner.
3. In the wake of statement of Mr. Satya Pal Jain, Additional Solicitor General, the present petition stands disposed of.
4. The petitioner is at liberty to move an appropriate application, if cause survives.

(JAGMOHAN BANSAL)
JUDGE

13.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No