

**CWP-25350-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(101)****CWP-25350-2025****Date of Decision : August 29, 2025****Union of India and others****.. Petitioners****Versus****Central Administrative Tribunal, Chandigarh Bench through its
Registrar and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI****Present: Mr. Satya Pal Jain, Additional Solicitor General, with
Mr. S.K. Sharma, Advocate, for the petitioners-UOI.****Mr. Aseem Rai, Advocate, for respondent No.2.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 12.08.2025 (Annexure P-1) passed by the respondent No.1-Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'Tribunal') by which, the challenge to the transfer order dated 04.04.2025 issued to the respondent No.2, transferring the respondent from Chandigarh to Patna has been set aside.

2. Learned Additional Solicitor General for petitioners-Union of India submits that the process for transferring the respondent No.2 from Chandigarh to Patna started upon the representation filed by respondent No.2

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and his wife, who is posted at Patna that they want to be posted at the same station being a couple case.

3. Learned Additional Solicitor General for petitioners-Union of India further submits that all efforts were made to post them at Bhopal, which place of posting unfortunately was not in accordance to their liking due to which they again made a representation for the change of station and as the wife of respondent No.2 was already posted at Patna, it was found feasible by authorities concerned to post respondent No.2 at Patna also so that they can remain a family.

4. Learned Additional Solicitor General for petitioners-Union of India further submits that though, the Union of India came to the rescue of respondent No.2 and his wife so that they can live happily as a family by posting them to the same station i.e. Patna but the said transfer of respondent No.2 from Chandigarh to Patna was challenged by him before the Tribunal and the Tribunal without appreciating the efforts taken by the Union of India, quashed the said order of transfer on the ground that same is arbitrary and illegal, which is causing prejudice to the Union of India.

5. Learned Additional Solicitor General for petitioners-Union of India further submits that once the effort to transfer the respondent No.2 was initiated at the request of respondent No.2, setting aside the transfer order is incorrect and the said order may kindly be set aside especially when the same is prerogative of the employer.

6. Notice of motion.

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7. Mr. Aseem Rai, Advocate, who is present in the Court, accepts notice on behalf of respondent No.2-caveator.

8. Learned counsel appearing on behalf of respondent No.2 submits that though, it is a conceded fact that the transfer was made keeping in view the request made by respondent No.2 and his wife to be posted at the same station but keeping in view certain family conditions of respondent No.2 such as the daughters of respondent No.2 are studying at Chandigarh therefore, it was not feasible for him to join his wife at Patna hence, the order of transfer had been impugned by respondent No.2.

9. Learned counsel for respondent No.2, on instructions from respondent No.2, who is present in Court, further submits that for the aforesaid reason, the application submitted by respondent No.2 as well as his wife to be posted at the same station be treated as withdrawn for all intents and purposes and till the wife of respondent No.2 completes the minimum tenure at Patna, no request will be made to the authorities concerned that both husband and wife should be posted at the same station.

10. Learned counsel for respondent No.2 further submits that any allegations made against the petitioner No.4 be treated as withdrawn for all intents and purposes.

11. Learned counsel for respondent No.2 further submits that any contempt proceedings initiated will be rendered infructuous and the same will be withdrawn immediately by filing appropriate application and the same will not be pressed for any other purpose.

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12. Learned Senior Counsel appearing on behalf of the Union of India submits that the exercise which was undertaken on the request of the parties has been made futile by respondent No.2 by withdrawing his application but as the Union of India is a welfare State and it is the duty to look after the interest of the employees working for the Union of India, keeping in view the fact that as per the impugned order dated 12.08.2025 (Annexure P-1), respondent No.2 will remain at Chandigarh, the present writ petition may kindly be disposed of having been not pressed any further. Learned Senior Counsel for the Union of India further submits that this decision is being taken by the petitioners in the facts and circumstances of the present case, which be not treated as a precedent.

13. Keeping in view the undertaking recorded hereinbefore, it is made clear that respondent No.2 and his wife will be bound by the undertaking recorded hereinbefore.

14. It is further made clear that even after completion of the tenure by the wife of respondent No.2, any request is made for transfer, the same will be subject to the feasibility to be adjudged by the employer.

15. The present writ petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

August 29, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No