

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Civil Writ Petition (T) No. 3499 of 2008.

Judgement reserved on: 26.2.2009.

Date of decision: February 28, 2009.

Tilak Raj

.....Petitioner.

Vs.

State of H.P. & ors.

.... Respondents.

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting?

For the petitioner : Mr. Keshav S. Thakur, Advocate.

For the Respondents : Mr. A.K. Bansal, Additional
Advocate General for respondents
No. 1 & 2.

Respondent No. 3 already exparte.

Kuldip Singh, Judge.

This petition was filed in the H.P. State Administrative Tribunal, where it was registered as OA No. 2813 of 2006. The Tribunal was abolished vide notification dated 8th July, 2008 and thereafter in view of the Himachal Pradesh Administrative Tribunal (transfer of decided and pending cases and applications) Act, 2008, O.A No. 2813 of 2006 was transferred to the High Court and registered as CWP (T) No. 3499 of 2008.

2. In view of relief claimed by the petitioner, it is not necessary to give the facts of the case in detail in this judgement. It is

Whether the reporters of the local papers may be allowed to see the Judgment?

enough to state that petitioner had filed a petition against order dated 28.8.2006, whereby he was transferred from Sundla, District Chamba to Kasba Kotla, District Kangra vide Annexure A-1. The petitioner in the petition has prayed substantive relief to allow the petition and direct the respondents to cancel the transfer order Annexure A-1 directing them to allow petitioner to complete his normal tenure of atleast three years posting at Sundla (Salooni) or in the alternative quash and set-aside Annexure A-1 qua the petitioner.

3. Heard and perused the record. The petitioner vide office order dated 6.11.2004 Annexure A-2 was transferred from Kilar (Pangi) to Salooni at Sundla. The petitioner was relieved on 4.4.2005 and immediately thereafter he joined at Sundla. In other words, it can be safely presumed that atleast since the middle of April 2005 the petitioner is working at Sundla. The petitioner on 28.8.2006 was transferred from Sundla to Kasba Kotla, as noticed above. The Tribunal vide order dated 8.9.2006 by interim order had ordered status-quo regarding implementation of order Annexure A-1. This order was extended from time to time. At the time of hearing, it has not been disputed that petitioner is still working at Sundla. In the petition, the petitioner has pleaded that he should have been allowed to complete his normal tenure of atleast three years posting at present place i.e. Sundla. The petitioner has already completed about three years and ten months at Sundla. In other words, by filing the petition and in view of status-quo order the petitioner has got the relief more than he has prayed in the petition.

...3...

4. In the facts and circumstances of the case, now no further relief can be granted to the petitioner irrespective of the merits of the case. Accordingly, the petition is liable to be dismissed and is accordingly dismissed. The interim order dated 8.9.2006 extended from time to time is vacated.

February 28, 2009.
(Hem)

(Kuldip Singh),
Judge.