

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.5871/2000

(From the judgment and order dated 27/09/1999 in CR 1434/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

MOHINDER SINGH

Petitioner (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent (s)

Date : 13/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Surjit Singh, Adv.
Mr. L.N. Gupta, Mr. Dinesh Verma and
Ms. Suresh Kumari, Advs.

For Respondent (s) Ms. Jayshree Anand, Addl.Adv.Genl., Punjab
Mr. G Sivabalamurugan, Adv.
Mr. Rajiv Dutta, Adv.

UPON hearing counsel the Court made the following
O R D E R

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Special leave granted.

The appeal is allowed and it is held that the
appellant will not be transferred as long as he is under
suspension. It will be open to the respondents to conduct the
inquiry as expeditiously as possible. If the appellant does
not cooperate, the respondents will be at liberty to hold the
inquiry ex parte.@@

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(D.P. Walia)
Court Master

(S.L. Goyal)
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6368 OF 2000@@
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[arising out of S.L.P.(C) No.5871 of 2000]

Mohinder Singh ..Appellant(s)

vs.

State of Punjab & Ors. ..Respondent(s)

O R D E R@@
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Special leave granted.

After hearing the counsel for the parties, we are of the opinion that there was no justification for transferring the appellant when he had already been placed under suspension and an inquiry was being conducted against him. The transfer would be of no avail because the effect of the transfer order is not to reinstate the appellant but he will be continued under suspension and it is meaningless to transfer such an officer. If the officer had been first transferred and then placed under suspension, then it would have been a different matter altogether.

We, accordingly, allow this appeal and hold that the appellant will not be transferred as long as he is under suspension. It will be open to the respondents to conduct the inquiry as expeditiously as possible. If the appellant does not cooperate, the respondents will be at liberty to hold the inquiry ex parte.@@

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.....J.
(B.N. KIRPAL)

New Delhi;
November 13, 2000.

.....J.
(RUMA PAL)