

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

EMG-LPA No. 6/2020
EMG-CM No. 15/2020
(Through Video Conference)

Jagan Nath

..Applicant/Appellant(s)

Through:- Mr. Asheesh Singh Kotwal, Advocate.
(on Video Conference from his office
at Jammu)

v/s

Union Territory of J&K and others

....Respondent(s)

Through:- Mrs. Seema Shekhar, Sr. AAG
(on Voice call from 9419193030 at
Jammu)

HON'BLE THE CHIEF JUSTICE

(on Video Conference from High Court at Jammu)

Coram:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

(on Video Conference from High Court at Jammu)

ORDER
03.06.2020

GITA MITTAL, CJ

1. After some arguments, Mr. Asheesh Singh Kotwal, Advocate seeks leave to withdraw this appeal.
2. This request has been made after we have heard this matter at length and formed a view that there was no merit at all in this appeal.
3. The appellant has sought to assail the order dated 6th March 2020 passed by the learned Single Judge dismissing WP(C) No. 679/2020.

4. By this writ petition, the petitioner has assailed the order of transfer dated 7th September 2019 transferring him from Block Darhal to the Office of the Assistant Commissioner (Development) Rajouri.

5. The appellant did not disclose in the writ petition that after the passing of the impugned order dated 7th September 2019, he had on 9th September 2019 already joined at the new place of posting in Rajouri.

6. It is submitted by Mr. Kotwal that even though the appellant has joined but the appellant was making regular representations. Making of a representation would by no stretch have impacted the fact that the petitioner had complied with the order of transfer. No cause of action for challenging such an order of transfer which stands complied with arose in favour of the appellant and WP(C) No. 679/2020 was completely misconceived.

7. It is only after we had made observations to the above effect that the request for the withdrawal of this appeal has been made. Valuable judicial time has been expended on a matter which is completely devoid of legal merit at a time when virtual hearings are being effected during a crisis on account of a pandemic. Filing of this appeal is completely injudicious and improper.

We therefore accept the prayer for withdrawal subject to payment of notional costs of Rs.100/- by the counsel for the appellant which shall be deposited with the Advocate's Welfare Fund.

The quantum of these costs have been reduced to this level keeping in view the request made by Mr. Kotwal, Advocate.

8. The counsel for the appellant shall ensure that the deficiencies in the court fee are positively made good after the lockdown restrictions are removed.

9. The appeal is accordingly dismissed as withdrawn.

(RAJNESH OSWAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
03.06.2020
Raj kumar

