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**(2012) 08 SHI CK 0035**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWP No. 2027 of 2012**

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|----------------------------------------|----|------------|
| Dharamjit Singh                        | Vs | APPELLANT  |
| Himachal Pradesh Transport Corporation |    | RESPONDENT |

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**Date of Decision :** 02-08-2012

**Acts Referred:**

**Citation :** (2012) 08 SHI CK 0035

**Hon'ble Judges :** Rajiv Sharma, J;Deepak Gupta, J

**Bench :** Division Bench

**Advocate :** Anand Sharma, for the Appellant; Vijay Verma, Advocate, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Deepak Gupta, J.—The petitioner, who is working as Petrol Pump Operator, was transferred to Rampur from Parwanoo in the year 2010. He filed a writ petition, which was numbered as CWP No. 2345 of 2011, in which the main grievance raised by him was that since his daughter is studying in 10th Class, her education would suffer in case he is transferred out of Parwanoo. On 20th April, 2011, a Division Bench of this Court passed an order that the petitioner shall be continued at Parwanoo. Thereafter, the petition was listed before the learned single Judge and was disposed of, in the following terms:

2. Petitioner's daughter is undisputedly studying in the 10th standard and has to appear in her final examination some time in the month of February/March, 2012. Petitioner undertakes to join his place of posting on or before 1st of April, 2012, after the completion of the annual examination of his daughter. So far petitioner has not been relieved from Parwanoo where the child is taking her education.

3. In view of the solemn undertaking given by the petitioner to this Court of joining duty at Rampur on or before 1.4.2012 the operation of the impugned order dated 31.5.2010 qua the petitioner and the private respondent is stayed

with a direction that petitioner shall join Rampur after the examination of his daughter in February/March, 2012.

It is obvious from the portion of the judgment of the learned single Judge, quoted above, that the petitioner had given a solemn undertaking to the Court that he would join duty at Rampur on or before 1st April, 2012 and on this undertaking, the operation of the impugned order, dated 31st May, 2010 was stayed.

2. Despite such solemn undertaking, the petitioner had the audacity and temerity to file the present petition. No doubt, he has not hidden any facts and all these facts have been stated in the petition, but once the petitioner had given solemn undertaking to the Court that he would join by 1st April, 2012 at Rampur, he had no business of filing this petition. This act of the petitioner is contemptuous, but we are not going into that aspect of the matter. Therefore, we find no merit in the writ petition, which is dismissed, with costs, assessed at Rs. 3,000/- All the pending application(s), if any, are also rejected.