

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.13397 of 2015
Date of decision: 08.07.2015.**

Heera Lal

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

Learned counsel for the petitioner submits that earlier the petitioner filed CWP No.5174 of 2014 but since the case of the petitioner was pending with the respondents-authorities, the same was dismissed as withdrawn with liberty to approach the authorities concerned and nothing was said on merits. Learned counsel also submits that while declining the case of the petitioner nothing has been said on merits by the authorities and the same has been dismissed only on the ground that the writ petition filed by him was dismissed as withdrawn whereas the same was dismissed as withdrawn with liberty to avail the remedy available with the respondents-authorities and it cannot be said that it was dismissed on

merits.

Heard arguments of learned counsel for the petitioner and have perused the documents available on the file.

The claim of the petitioner has been declined only on the ground that the earlier writ petition filed by him was dismissed as withdrawn whereas nothing was said on merits. It has also been brought to the notice of this Court by learned counsel for the petitioner that the relief has been granted to some other similarly situated employees as general direction was issued in CWP No.1642 of 1989 on 13.05.2010 (Annexure P-5). While declining case of the petitioner, neither any reason has been mentioned nor it has been stated as to whether the petitioner is entitled for the relief claimed in view of the general directions issued in CWP No.1642 of 1989.

Accordingly, the present writ petition is allowed and the impugned order (Annexure P-15) is hereby quashed and the respondents are directed to pass a speaking order by considering the judgment passed in CWP No.1642 of 1989 as well as recommendations (Annexure P-12). The necessary exercise be done within a period of three months from the date of receipt of certified copy of this order.

08.07.2015
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(DAYA CHAUDHARY)
JUDGE