

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

CWP-14618-2015 (O&M)

Date of decision : 24.09.2015

Ramesh Lal

..... Petitioner

Vs

State of Haryana & others

.....Respondent

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present : Mr. R.P. Singh Ahluwalia, Advocate
for the petitioner.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Rajesh Sheoran, Addl. A.G., Haryana
for respondents No.1 to 3.

Mr. Deepak Manchanda, Advocate
for respondents No. 4 & 5.

Rakesh Kumar Jain, J. (oral)

CM-12514-2015

Mr. B.R. Mahajan, learned Advocate General, Haryana has submitted that the application filed by the petitioner for amendment of the writ petition in order to challenge the ordinance dated 14.08.2015 issued by the Government of Haryana has become redundant and infructuous because of the enactment of the Haryana Municipal Corporation (Amendment) Act, 2015, notified on 15.09.2015 and Section 3 of the Amended Act says that the Haryana Municipal Corporation (Amendment) Ordinance, 2015 (Haryana Ordinance No. 6 of 2015) has been repealed.

In view of the aforementioned facts and circumstances, the application filed by the petitioner for amendment of the writ petition to challenge the Ordinance issued on 14.08.2015 has become infructuous and is, thus, dismissed as such.

CWP-14618-2015

This petition is directed against the appointment of Shakti Singh - respondent No.5 as Commissioner, Municipal Corporation, Ambala on the ground that as per Section 45 of the Haryana Municipal Corporation Act, 1994 (for brevity 'the Act'), the Government by notification can appoint an I.A.S. Officer having a minimum service as such of at least five years, as Commissioner of the Corporation. However, respondent No.5 was an HCS officer, who has been appointed as Commissioner of the Municipal Corporation, Ambala.

On July 30, 2015, this Court restrained respondent No.5 from acting as Commissioner of the Municipal Corporation, Ambala. However, in the meantime respondent No.5 has been transferred as SDM, Ambala and Ajay Singh Tomar, IAS has been appointed as Commissioner of the Municipal Corporation, Ambala.

Counsel for the petitioner has submitted that Amended Section 45(1) of the Act has been brought with the retrospective effect on 28.11.2014 only in order to save the appointment of respondent No.5 which was in violation of

statutory provision of Section 45(1) of the Act and, hence, the said amendment is illegal and unconstitutional.

Since the petitioner wanted to challenge the vires of the Haryana Municipal Corporation (Amendment) Act, 2015, therefore, he prays for withdrawal of the present petition to file again in accordance with law.

Ordered accordingly.

However, the petitioner is at liberty to take up all the pleas which have been taken in the present petition as well in his second petition.

(Rakesh Kumar Jain)
Judge

24.09.2015

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