

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

LPA No.1490 of 2015 (O&M)

Date of Decision:-14.10.2015

Avtar Krishan Mehta

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARI PAL VERMA.**

**Present:- Mr. Puneet Gupta, Advocate
for the appellant.**

SATISH KUMAR MITTAL, J.(Oral)

Though the appellant was not heard at the time of hearing of the writ petition filed by respondent No.4 which was allowed, and the appointment of the appellant on the post of Soil Conservation Officer, was set aside because he was lower in merit than the candidate appointed in the B.C. Category, but the appellant is not controverting the factual position as stated in the impugned order and not in a position to point out any illegality in the impugned order.

However, on some new facts, learned counsel for the appellant argued that in the selection process two posts of General category remained vacant being unfilled and his claim should have been considered against those vacant posts. These facts were never pleaded before the learned Single Judge, by either of the parties.

Therefore, in these facts, learned counsel states that let the appellant be permitted to withdraw this appeal with liberty to approach the Government for reconsidering his case for appointment on the posts of General category which remained vacant being unfilled.

Dismissed as withdrawn with the aforesaid liberty.

**(SATISH KUMAR MITTAL)
JUDGE**

14.10.2015
reema

**(HARI PAL VERMA)
JUDGE**