

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.16192 of 1998 (O&M)
Date of Decision: 17.05.2016**

Kewal Singh Thakur

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. B.S. Patwalia, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner's appointment to the post of Driller Class-II was put to an end on October 12, 1998. The writ petition filed earlier i.e. CWP No.10681 of 1996 challenging his selection had been dismissed by this Court on October 10, 1996. The challenge was repelled.

2. Respondent No.4 even filed another Civil Writ Petition No.14891 of 1997 challenging the appointment of the petitioner against the post of Driller class II. This writ petition was admitted and is pending in this Hon'ble Court for final adjudication. In spite of the fact that the matter is subjudice in this Hon'ble Court, the Respondents passed an order dated 12.10.1998 whereby the appointment of the petitioner to the post of Driller Class II has been withdrawn while the writ was pending. The department withdrew the order of appointment of the petitioner as a Driller Class-II. It may be mentioned that in the early years of service the petitioner was

serving as Rigman since 1969, he promoted as Drilling Assistant in 1982 and while in service applied for direct recruitment to the post of Driller Class-II and obtained appointment.

3. Aggrieved by the order, the petitioner has approached this Court in the present petition. Vide order dated October 15, 1998 notice of motion was issued to the respondents and operation of the impugned order was stayed. During the pendency of the petition, an application was filed by the petitioner claiming annual increments which were not granted to him by virtue of operation of the impugned order (Annex P-10). The application was heard on January 18, 2005 and as an ad interim measure it was ordered that the annual increments in the scale of the post held should be granted to him. The application No.11353 of 2004 was allowed in view of the stay order. The arrears of annual grade increments were also ordered to be paid to the petitioner positively within one month from the date of the order. The stay order has continued to operate till today. The petitioner has retired long back and thus no interference is called for only to disturb him in retirement and in the evening of his life.

4. Therefore, it would in the equitable exercise of jurisdiction not be necessary or expedient to go into the merits of the case as the petition has been rendered without life so far as the respondents are concerned. The stay order dated October 15, 1998 and the interim order dated January 18, 2005 are made absolute. The last pay and pension of the petitioner would not be disturbed.

(RAJIV NARAIN RAINA)
JUDGE

17.05.2016
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