

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

CWP No.12486 of 2016 (O&M)

Date of decision:14.09.2016

Gulshan Kumar

... Petitioner

Vs.

U.T. Chandigarh & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

Ms. Suman Devi, Advocate for

Ms. Deepali Puri, Advocate for respondents No.2 and 3.

...

TEJINDER SINGH DHINDSA, J.

CM No.11368 of 2016:

Application is allowed as prayed for.

Application is disposed of.

CM No.11369 of 2016:

Prayer in the application is for withdrawal of the main writ petition with liberty to file a petition afresh on the same cause of action on the ground that after filing of the main writ petition a subsequent order dated 23.08.2016 (Annexure 'A') has been passed and which also requires to be impugned.

Notice in the application.

Ms. Suman Devi, Advocate, who is present in Court, accepts notice on behalf of Municipal Corporation Chandigarh.

With the consent of the counsel for the parties, the date in the main writ petition is preponed from 05.01.2017 and the same is taken up on Board today itself.

Application is disposed of.

Main case:

Learned counsel appearing for the petitioner would submit that challenge in the instant petition was to an order dated 09.06.2016 (Annexure P-5), whereby the petitioner had been denied the benefit of extension in service beyond the age of superannuation. After filing of the present petition, a subsequent order dated 23.08.2016 has been passed by the Commissioner, Municipal Corporation, Chandigarh and in terms of which the petitioner has been retired and relieved from service.

Counsel for the petitioner, accordingly, prays for withdrawal of the petition with liberty to file a petition afresh on the same cause of action as also to raise a challenge to the subsequent order dated 23.08.2016 on all such grounds that may be available to the petitioner in accordance with law.

Prayer is allowed. Petition is dismissed as withdrawn with liberty as prayed for.

14.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether reasoned/speaking? | No |
| ii) | Whether reportable? | No |