

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

***CWP No.21310 of 2013 (O&M)
Date of decision : 05.10.2016***

Rajesh Kumar

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. Amit Kaith, Advocate for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

The petitioner who is serving on the post of Helper with the respondent-Department/Haryana State Transport Department was regularized in service vide order dated 11.09.2014 passed by the General Manager, Haryana Roadways, Chandigarh.

The instant petition has been filed seeking issuance of a writ of mandamus to direct the respondents to grant him such benefit of regularization w.e.f. 01.10.2003.

Upon notice of motion having been issued, a joint written statement was filed on behalf of respondents No.2 and 3 and a stand was taken that services of the petitioner were inadvertently regularized in the light of order dated 17.03.2004 and under the Regularization Policy dated 01.10.2003.

Thereafter, an affidavit of the General Manager, Haryana Roadways, Chandigarh dated 22.09.2016 has also been filed and placed on record and which clarifies the position that the order of regularization dated 17.03.2004 had been subsequently withdrawn vide order dated 30.07.2004

at Annexure R-3 along with the affidavit. It has further been stated that prior

to passing of the order dated 30.07.2004 at Annexure R-3 even a show cause notice dated 13.07.2004 at Annexure R-2 has been served upon the petitioner.

Even though, the claim set up in the instant petition is for grant of benefit of regularization w.e.f. the year 2003, yet there is no challenge to the order dated 30.07.2004 (Annexure R-3) whereby the previous order granting benefit of regularization to the petitioner had been withdrawn.

Faced with such a situation, learned counsel for the petitioner prays for withdrawal of the instant petition with liberty to raise a challenge to the order dated 30.07.2004 at Annexure R-3.

As per prayer made by learned counsel for the petitioner, present writ petition is dismissed as withdrawn with liberty as prayed for.

It is, however, clarified that the liberty that has been granted to the petitioner to file the petition afresh would not be construed as if this Court has condoned the aspect of delay, if any.

Petition stands dismissed as withdrawn.

05.10.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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