

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

Date of decision: 22.04.2016

CWP No.5689 of 2016

Balvir Singh & another

...Petitioners

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Pardeep Bajaj, Advocate, for the petitioners.

Mr. Vaibhav Sharma, DAG, 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)

Mr. Vaibhav Sharma, learned DAG, Punjab has brought good tidings for the petitioners in the shape of affidavits filed with respect to each of them by the Assistant Commandant Ist Commando Battalion, Bahadurgarh, District Patiala on behalf of respondent No.4 and Commandant 4th Commando Battalion, Special Protection Unit, SAS Nagar on behalf of respondents No.1 to 3 & 5 acknowledging that both the petitioners have qualified the height test ordered to be re-conducted by this Court by an ad interim order. They have both been measured to stand above 5'-5" in height which makes their appointments within rules and thus they cannot be harmed. They have a right to retain their positions without being disturbed any longer with the impugned show-cause notices issued to them.

Consequently, the present petition has been rendered infructuous in view of the statement made in the affidavits which is in favour of the petitioners, which statement is accepted as an undertaking to this Court to form

part of the order. Therefore, the impugned show cause notices of reversion are ordered to be filed.

The petition is accordingly disposed of.

[RAJIV NARAIN RAINA]
JUDGE

22.04.2016
Vimal