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

C.W.P. No.1241 of 2017

Date of Decision : 20.02.2017

Dr. Indu Bhushan Dubey

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

AJAY TEWARI, J. (Oral)

Prayer in the present petition is for issuance of directions to the respondents to relieve the petitioner from the post of Associate Professor Surgery to join as Assistant Professor Surgery at VMMC & Safdarjung Hospital, New Delhi.

On 30.01.2017 the following order was passed:-

“By this writ petition the petitioner has challenged the inaction of the respondents in not issuing him the relieving letter in view of his selection to a different post.

Learned Additional Advocate General points out that the matter of relieving a Class-I Gazetted Govt. servants has to go upto the Chief Minister and consequently it would take another 10 to 15 days.

Learned counsel for the petitioner states that though the petitioner was directed to join by 31.01.2017 he will seek another extension.

Adjourned to 09.02.2017.”

Thereafter on 09.02.2017 the following order was passed:-

“On the last date the following order was passed :-

“By this writ petition the petitioner has challenged the inaction of the respondents in not issuing him the relieving letter in view of his selection to a different post.

Learned Additional Advocate General points out that the matter of relieving a Class-I Gazetted Govt. servants has to go upto the Chief Minister and consequently it would take another 10 to 15 days.

Learned counsel for the petitioner states that though the petitioner was directed to join by 31.01.2017 he will seek another extension.

Adjourned to 09.02.2017.”

Today learned State counsel seeks one more opportunity.

Learned counsel for the petitioner has fairly stated that the petitioner has sought another extension to join and has been allowed time to join up to 22.02.2017 but states that thereafter he would not be granted any extension.

Learned State counsel states that he would endeavor that the matter is finally disposed of by the next date.

Adjourned to 20.02.2017.”

The matter was specifically adjourned for today to enable the learned Additional Advocate General to have a decision by today since the petitioner has been allowed to join till 22.02.2017. However, even today the learned Additional Advocate General has sought time.

Learned counsel for the petitioner states that this request is patently unreasonable and once notice of motion was issued as far back as on 24.01.2017 and the respondents have not been able to point out any

reason why the petitioner should not be relieved they can not linger on the

matter so as to render him incapable to join the post for which he has been selected.

I find favour in the argument of the learned counsel for the petitioner. Consequently, the petition is allowed. The petitioner is deemed to be relieved so as to enable him to join his new job and the respondent No.3 is directed to take the charge from the petitioner.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

Copy of this order be given *dasti* to the learned counsel for the petitioner under the signatures of the Bench Secretary.

February 20, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No