

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

CWP No. 7993 of 2010 (O&M)
Date of decision: 16.3.2017

Mukesh Chander Jaswal

...Petitioner

Versus

The State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.D. Bawa, Advocate,
for the petitioner.

Mr. L.S. Virk, Additional Advocate General, Punjab,
for respondent No.1.

Mr. V.K. Sandhir, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

The petitioner herein filed the instant writ petition seeking to challenge the order dated 16.4.2010 by which the respondents sought to amend the order dated 7.5.1999 by which he had been reinstated as Legal Advisor with continuity of service. By the impugned order, the State had decided to treat him as a Law Officer from the date he joined services, thereby withdrawing any benefit that had been given to him.

On 13.7.2010, learned counsel for the petitioner, on instructions from the petitioner, stated that the petitioner would be willing to accept appointment as Legal Advisor w.e.f. 7.5.1999. On that statement, notice of motion was issued for 24.9.2010. Pursuant thereto, the petitioner also given

an undertaking by way of an affidavit before the Municipal Corporation, Amritsar, that he is willing to accept his appointment as Legal Advisor w.e.f. 7.5.1999. Thereafter, the petitioner was given the said appointment which has been placed on record.

In view of the fact that fresh order has been passed by which the petitioner has been appointed on the post of Legal Advisor, no further orders are called for in the instant writ petition.

At this stage, learned counsel for the petitioner urges that the State will effect recovery against the petitioner for the monetary benefit that had been received by him while working on the said post with continuity in service and, therefore, a direction should be issued not to effect any recovery against him.

A perusal of the record shows, that as on date no such order has been passed and, therefore, at the moment this Court is not inclined to issue any such direction. However, in case any recovery is sought to be made, the petitioner is at liberty to challenge such order.

The writ petition stands disposed of accordingly.

16.3.2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No