

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-558-2017 (O&M)

Date of Decision: April 07, 2017

Raj Kumar Malik

.....Appellant

Versus

Haryana State Agricultural Marketing Board and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.R.K.Malik,Sr. Advocate with
Mr.Bhupender Malik, Advocate
for the appellant.

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SURYA KANT, J.

The instant Letters Patent Appeal assails the order dated 28.03.2017 whereby learned Single Judge has dismissed the appellant's writ petition as pre-mature though with liberty to approach the Court again as and when final decision taken up by the competent Authority is conveyed.

[2] The appellant is working as Sub Divisional Engineer in the respondent-Board. He was charge-sheeted and after regular enquiry, show cause notice for the penalty of stoppage of three increments with cumulative effect was proposed. The appellant filed his reply and the Administrative Committee of the Board while considering the reply decided to retire him compulsorily. Even before the said decision could be given effect to, the

appellant approached this Court and got an interim stay. Resultantly, for

almost 1 ½ years he has continued in service. Learned Single Judge has now dismissed the writ petition as pre-mature.

[3] We have heard learned counsel for the appellant. We are fully in agreement with the learned Single Judge. The decision of the Administrative Committee is yet to be implemented and no formal order of compulsory retirement has been passed so far. In this view of the matter, appellant's writ petition was pre-mature. As and when an order of punishment is passed, the appellant shall be at liberty to challenge the same in accordance with Rules/law.

[4] Disposed of.

**(SURYA KANT)
JUDGE**

April 07, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |