

**CM No.15675 of 2018 in/and
CWP No.13772 of 2000**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.15675 of 2018 in/and
CWP No.13772 of 2000
Date of Decision: 22.10.2018**

Parshotam Dass Kaushik

...Petitioner

Vs.

**The Commissioner & Secretary
to Govt. Haryana, Education
Department, Chandigarh and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

**Present: Mr. Inderjeet Singh, Advocate,
for the applicant-petitioner.**

RAJIV NARAIN RAINA, J. (Oral)

1. No notice on the application or hearing is required to be afforded to the respondents in view of the nature of the order proposed to be passed.
2. The writ filed in 2000 was admitted on July 24, 2002.
3. It has been explained in the application for withdrawing the petition supported by affidavit that due to demise of the previous counsel the petitioner did not come to know about the filing of the written statement till the present counsel was engaged. With the written statement is attached an order Annex R-1 dated June 05, 2001 passed during the pendency of the case which declines the claim of the petitioner, made in the petition, by withdrawing the order dated November 08, 1995 awarding him the selection grade. The order is adverse to the interest of the petitioner and he has a right

to challenge the same by instituting fresh proceedings in an appropriate forum.

4. This revelation has rendered the petition infructuous as fresh cause of action has arisen.

5. In the circumstances, learned counsel prays that leave be granted to the petitioner to withdraw the petition with liberty to challenge the adverse order.

6. The prayer is found to be genuine and bona fide.

7. In view of the above, the application is allowed and the petition is dismissed as withdrawn with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

22.10.2018
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Whether speaking/reasoned *Yes*

Whether reportable *No*