

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16310 of 1997 (O&M)

Date of Decision: 25.02.2019

Suresh Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Parveen Kumar Rohilla, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. This writ petition is filed against a reversion order. During the pendency of the writ petition, the reversion order was withdrawn by the Government. When the case of the petitioner was being considered for promotion to the post of Assistant Revenue Clerk (ARC), the seniority was maintained state-wise. Later, it came to the notice of the Department that there was no vacancy available at the time when the petitioner was promoted on ad hoc basis, therefore, the reversion.

2. Learned counsel for the petitioner points out that in the promotion order as ARC (ad hoc), there is note No.2 recording that the petitioner was then posted in his division on promotion as ARC against the vacancy. No opinion is expressed on this in the light of the fact that an adverse order has come into existence on 09.05.2017 which declines the petitioner's request for ante-dated promotion from the year 1991. He

was heard at the time of passing of the order. The order has not been impugned in the petition nor has any effort been made to amend this petition or any prayer made to file a fresh petition challenging that order. Petitioner's remedy against the impugned order cannot be taken away by the delay that has arisen and he has a right to challenge that order.

3. Learned counsel for the petitioner on instructions from his client, who is present in Court, prays that he may be permitted to withdraw this petition with liberty to challenge the order and all other causes of action arisen previously.

4. The petition is dismissed as withdrawn with the liberty aforesaid.

(RAJIV NARAIN RAINA)
JUDGE

25.02.2019

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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>