

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

(221)

CWP-16528-2016

Date of Decision: January 08, 2019

Surinder Pal Sharma

.. Petitioner

Versus

State of Haryana and ors.

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Singh Randhawa, Advocate, for the petitioner.

Mr. Sunil Kumar Vashisht, DAG, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Learned counsel for the petitioner states that a notification dated 30.11.2007 (Annexure P-4) by which the Punjab Civil Services Rules, as applicable to Haryana, were amended, the amendment had come into force prospectively as per Clause 1 (2) of the said notification. Counsel further states that the said notification is contrary to the law laid down by the Hon'ble Supreme Court of India in **D.S. Nakara and others Vs. Union of India, 1983 AIR (SC) 130.**

In the present writ petition, there is no challenge to the said Clause and therefore, in the absence of any challenge to the Clause, the contentions which are being raised by counsel for the petitioner cannot be entertained.

Faced with this situation, learned counsel for the petitioner states that he may be allowed to withdraw the present writ petition with liberty to file a fresh one on the same cause of action by challenging Clause 1 (2) of the notification dated 30.11.2007 (Annexure P-4).

Dismissed as withdrawn with liberty as prayed for.

**(HARSIMRAN SINGH SETHI)
JUDGE**

January 08, 2019
harsha

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No