

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

109

CWP-11274-2020

Decided on : 05.08.2020

Rajinder Parsad

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.R.K.Arya, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of direction for promotion to the post of Inspector w.e.f. 28.04.2016 i.e. the date when juniors/private-respondents were promoted, along with all consequential benefits.

Admittedly, the petitioner has attained the age of superannuation on 31.01.2019. The registered legal notice qua this dispute was also served, thereafter, on 17.09.2019 (Annexure P-1) reply of which the petitioner has now received on 19.11.2019, whereby his claim has been rejected. In such circumstances, this Court is of the opinion that petitioner has an alternative and efficacious remedy available to challenge the said order and claim the said relief by way of filing Civil Suit. It is settled principle that the extraordinary writ jurisdiction cannot be invoked once the petitioner has chosen not to agitate for his grievance at that point of time when he was in service and it would be appropriate if he is relegated to his alternative remedy.

Faced with this situation, counsel for the petitioner submits that he be permitted to withdraw the present writ petition, to avail of his alternative remedy, as available to him, in accordance with law.

Accordingly, keeping in view the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

AUGUST 05, 2020

sailsh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No