

216-B

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

CWP-12715-2020 (O&M)

Date of decision : 22.09.2020

Abhishek

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Tribhawan Singla, Advocate, for the petitioner.

Mr. T.P.S. Chawla, DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through Video Conferencing.

Learned counsel for the petitioner at the outset states that the present petition has been rendered infructuous inasmuch as the present petition was filed for release of salary of the petitioner from 13.06.2019. Thereafter, another writ petition was filed on behalf of the petitioner being CWP No.13331 of 2020 for directions that the respondent-authorities do not terminate the services of the petitioner therein. The said petition i.e. CWP No.13331 of 2020 was disposed off by this Court vide order dated 02.09.2020, which reads as under:-

“ All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks issuance of a writ in the nature of 'certiorari', quashing the letter dated 15.05.2020 (Annexure P-9), to the extent, that the respondents have decided not to continue with the service of the petitioner beyond 31.08.2020.

*At the outset, learned counsel for the petitioner submits that in an identical matter, i.e. CWP No. 12933 of 2020, titled as **Dr. Akshay Pathak and others vs. State of Punjab and others**, an order has been passed yesterday, i.e. on 01.09.2020, disposing of that petition on a statement made in favour of the petitioners therein by the learned State counsel appearing in that case.*

The said statement reads as follows:-

“Mr. Vikas Mohan Gupta, Additional Advocate General, Punjab upon instructions Dr. D.K. Tiwari, Principal Secretary, Department of Medical Education and Research, Punjab apprises the Court that the services of the petitioners would not be terminated till such time, regular appointees do not join. That apart, learned State counsel informs the Court that salary till December, 2019 would be released positively within a period of 10 days from today. That apart, an undertaking is furnished for the salary for the period of January, 2020 onwards would be released within a period of six weeks from today.”

Notice of motion.

On the asking of the court, Ms. Anu Pal, D.A.G., Punjab, accepts notice on behalf of the respondents, she already having received instructions in the matter.

She does not dispute the above and submits that in fact, as per her instructions, the petitioner is identically placed as the petitioners in that petition.

Consequently, this petition is also disposed of as having been rendered infructuous because obviously with the petitioner identically placed as the petitioners in that petition, and a statement having been made to the aforesaid effect, that would apply to the case of the present petitioner

too.

The respondents are therefore held bound to that statement in the present case also.

In view of the above, the present writ petition is dismissed as having been rendered infructuous inasmuch as the relief regarding release of salary already stands granted in CWP No.13331 of 2020 decided on 02.09.2020.

September 22, 2020
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(ALKA SARIN)
JUDGE

Whether speaking/reasonable: Yes/No.
Whether reportable : Yes/No.