

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

1

CWP-13416-2017

Date of Decision : February 25, 2020

SURENDER PAL BANSAL AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

2

CWP-18241-2017

SHRI CHAND AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

3

CWP-1744-2018

JAGDISH KUMAR CHHABRA AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

4

CWP-1768-2018

OM PARKASH GROVER AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

5

CWP-3584-2018

DHARAM RAJ DANGI AND ORS

CWP-13416-2017

-2-

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

6

CWP-3652-2018

RAJ KUMAR MEHTA AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

7

CWP-15673-2017

JAGDISH KUMAR CHHABRA AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

8

CWP-4844-2018

SURAJ MAL MALIK AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

9

CWP-17136-2017

BRAHAM PARKASH

CWP-13416-2017

-3-

.....Petitioner

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

10

CWP-10089-2018

DHARAMBIR SINGH SIDHU AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

11

CWP-5923-2018

KARAM CHAND AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

12

CWP-4801-2018

DILBAG SINGH HOODA AND ORS

.....Petitioners

VERSUS

STATE OF HARYANA AND ORS

.....Respondents

13

CWP-16131-2017

CWP-13416-2017

-4-

MOHINDER KUMAR BHAYANA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

14

CWP-26591-2017(O&M)

BABU RAM AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

15

CWP-19469-2017

BIJENDER KUMAR AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA AND ANR

.....Respondents

16

CWP-23462-2017(O&M)

OM PARKASH SINGLA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CWP-13416-2017

-5-

17

CWP-29295-2017

SUBHASH CHAND

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

18

CWP-3567-2020

JAGAR SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Chander Shekhar, Advocate
for the petitioners in CWP-29295-2017.

Mr. I.S.Pabla, Advocate
for the petitioners in CWPs-26591 and 23462-2017 and
CWP-3567-2020.

Mr. Sandeep Kotla, Advocate
for the petitioners in CWP-16131-2017.

Mr. Anand Bhardwaj, Advocate
for the petitioners in CWP-19469-2017.

Mr. Mohinder Pal, Advocate
for the petitioners in CWPs-3652, 4844, 10089 and
5923-2018 and 15673 and 17136-2017.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

NIRMALJIT KAUR, J. (Oral)

The prayer in all these petitions is for setting aside the orders vide which the respondents have decided to withdraw the ACP granted to the petitioners.

Replies are filed stating therein that the same was wrongly granted. As per Rule 5.3 of the Haryana Civil Services (ACP) Rules, 1998 only those employees were eligible who possessed the degree in Engineering or pass the Departmental Professional and Revenue Examination.

In some of the cases, replications have been filed stating therein that Rule 5.3 of Haryana Civil Services (ACP) Rules, 1998 is not applicable as the same is applicable only those employees who have been functionally promoted. In the cases of the petitioners, Rule 8.3 of the Haryana Civil Services (ACP) Rules, 1998 was applicable.

Learned counsel for the respondents, however, stated that the petitioners have not taken the said plea in the main petition and, therefore, they had no opportunity to respond to the same.

At this stage, learned counsel for the petitioners state that they may be allowed to withdraw the present writ petitions with liberty to file a fresh on the same cause of action with better particulars and including the details as mentioned in the replications filed in some of the cases as also raising the plea that they are covered under Rule 8.3 of the 1998 Rules and how Rule 5.3 of the 1998 Rules was not applicable in their cases.

Dismissed as withdrawn with liberty as prayed for.

In view of the particular facts, the respondents shall not proceed with the recovery of any amount till the filing of the fresh petitions in case they are filed within one month from today.

February 25, 2020
ajay-1

(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No