

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

CWP-18523-2015 (O&M)

Date of decision: - 05.02.2020

Kailash Rani

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harinder Sharma, Advocate, for the petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, petitioner is claiming the benefit of the service which she had rendered from 12.08.1972 onwards till 16.06.1982 to be taken as a qualifying service for computing the pensionary benefits after she retired on attaining the age of superannuation on 31.10.2009.

During the pendency of the writ petition, respondents passed an order dated 12.08.2016 imposing a punishment of forfeiture of the service of the petitioner rendered prior to 03.01.1996 on account of remaining absent from service for a period of approximately 13 ½ years. By amending the writ petition, the petitioner is challenging the order dated 12.08.2016.

Learned counsel appearing on behalf of the respondents raises an objection that the order dated 12.08.2016 is an appealable order and without exhausting the said remedy, petitioner is challenging the

order dated 12.08.2016 in the present writ petition, which is not maintainable.

Learned counsel for the petitioner on the other hand states that the impugned order was passed on 12.08.2016 and the same was passed during the pendency of the writ petition and same was attached with the reply filed to the unamended writ petition, therefore, the same has been challenged by amending the writ petition.

Learned counsel for the petitioner though admits that the said order is appealable, but raises a concern that at this stage his appeal has already become time barred and filing of the said appeal will be futile.

Learned counsel appearing on behalf of the respondents states that as the impugned order dated 12.08.2016 was passed during the pendency of the writ petition and petitioner was a litigating before this Court, in case the petitioner prefers an appeal against the said order, the same will be considered and decided on merits expeditiously, rather than being summarily rejected on the ground of delay.

Learned counsel for the petitioner states that keeping in view the statement made by learned counsel for the respondents, he may be allowed to withdraw this writ petition with liberty to file an appeal against the impugned order dated 12.08.2016.

Dismissed as withdrawn, with the liberty, as prayed for.

Respondents will be bound by their statement recorded above.

February 05, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?

Yes

Whether reportable?

No