

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CWP No.2811 of 2021
Date of decision: 09.02.2021

Rahul Dhankhar

...Petitioner

Versus

State of Haryana and others

...Respondents

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Vaneet Soni, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Haryana.

Mr. Sanjeev Kaushik, Advocate for
caveator/ respondents No.2 to 5.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the challenge is to Minutes of the meeting dated 22.1.2021 (Annexure P/8) as well as order dated 27.01.2021 (Annexure P/9) by which, the service of the petitioner has been dispensed with during the period of his probation. Learned counsel for the petitioner argues that the appointing authority of the post on which petitioner was working is a Chairperson of the Haryana Electricity Regulatory Commission, whereas, the impugned order dated 27.01.2021 (Annexure P/9) has been passed by the Commission and, therefore, the said order is

bad as right of appeal against the impugned orders has been taken away from the petitioner. Learned counsel for the petitioner further argues that the petitioner was given grade 'good' in his last ACR, whereas, now the petitioner's service has been dispensed with during the period of probation by stating that the petitioner has not improved his work, hence, impugned order dispensing the service of the petitioner during probation is against the facts on record.

Mr. Sanjeev Kaushik, Advocate who has joined the proceedings through video conference on behalf of respondents No.2 and 5 submits that in the impugned order dated 27.01.2021 (Annexure P/9), it has wrongly been mentioned that the said order was passed by the Commission, whereas, actually the same was passed by the Chairperson only. Learned counsel appearing for the respondents further submits that the petitioner also has a remedy of filing an appeal before the Commission, which has not yet been availed by the petitioner and he has directly approached this Court.

Faced with this situation, learned counsel for the petitioner submits that the petitioner be allowed to withdraw the present writ petition with liberty to file an appeal against the orders, which are causing prejudice to the petitioner before the Commission and the respondents be directed to decide the said appeal in a time bound manner.

Learned counsel for the respondents submits that in case, the petitioner prefers an appeal within a stipulated time, the same will be decided within a period of six weeks from the date of submission of the same by the petitioner by passing an appropriate speaking order.

Learned counsel for the petitioner submits that keeping in view the statement made by the learned State counsel, the petitioner has no more

apprehensions and, therefore, the petitioner be allowed to withdraw the present writ petition with liberty to avail the remedy of appeal.

Dismissed as withdrawn with liberty as prayed for.

It is made clear that the respondents will be bound by their statement recorded hereinabove.

February 09, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No