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

CWP-14079 of 2020

Date of decision: March 19, 2021

Om Parkash

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rakesh Sobti, Advocate for the petitioner.

Ms. Maloo Chahal, DAG Punjab.

MAHABIR SINGH SINDHU, J

Present writ petition has been filed under Articles 226/ 227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to release the salary to the petitioner in regular pay scale of ₹4900-10,680 + 1650 Grade Pay w.e.f. the date, his services were regularized on the post of Water Carrier.

This Court, on 10.03.2021, passed the following order: -

“Present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to release the salary to the petitioner in regular pay scale of ₹4900-10,680 + 1650 Grade Pay w.e.f. the date, his services were regularized on the post of Water Carrier.

Learned State counsel has pointed out towards para-6 of the preliminary submission of reply dated 05.12.2020 already filed and relevant part of the same reads as

under:-

“It is pertinent to submit here that as per the instructions of the Govt. the minimum Educational qualification for this post is 8th class pass. Due to this lapse on the part of petitioner, regular departmental enquiry was ordered vide Senior Superintendent of Police, Hoshiarpur's office order No.87733-38 dated 01.11.2017. The true translation copy of the same is annexed here-with as Annexure R-1. Although the petitioner has completed probation period 31.12.2019, but he did not complete this period satisfactorily as he was facing departmental enquiry during his probation period. It is further submitted that the department enquiry was entrusted to the then Deputy Superintendent of Police, Headquarter Hoshiarpur, who in his finding held the petitioner guilty. Now as a result of a department enquiry process, the petitioner has been dismissed from service w.e.f. 05.11.2020 vide Deputy Inspector General of Police Jalandhar Range, Jalandhar's office order No.755-58/JR-PA dated 05.11.2020 and Senior Superintendent of Police Hoshiarpur's office order No.112678-88 dated 16.11.2020 and the same order are annexed herewith as Annexure R-2.”

Perusal of above extracted portion clearly reveals that Senior Superintendent of Police, Hoshiarpur vide order dated 16.11.2020 has already dismissed the petitioner from service.

Since no one is appearing on behalf of the petitioner; rather a written request is circulated on his behalf, therefore, purely in the interest of justice, adjourned to 19.03.2021.”

Today, at the outset, learned counsel for the petitioner has pointed out that against the dismissal order dated 16.11.2020 referred above, statutory appeal has already been preferred and the same is pending for consideration before the competent authority; therefore, he wishes to withdraw the present petition with liberty to pursue the

pending appeal mentioned above.

Dismissed as withdrawn with liberty aforesaid.

However, in view of the controversy, it would be appreciated if the appeal of the petitioner is decided in accordance with law on or before 31.05.2021.

(MAHABIR SINGH SINDHU)
JUDGE

March 19, 2021

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No