

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-15450-CWP-2022 in/&
CWP-267-2020
Date of Decision :17.11.2022

Suresh Kumar

...Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sachmeet Singh Randhawa, Advocate for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G. Haryana.

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Harsimran Singh Sethi, J. (Oral)

CM-15450-CWP-2022

As prayed for, application is allowed.

Replication to the written statement filed on behalf of the
respondents is taken on record.

CWP-267-2020

Learned Senior counsel for the petitioner submits that the petitioner is only pressing his prayer to challenge impugned orders dated 12.12.2019 & 23.12.2019 (Annexures P/5 and P/6) respectively, whereby, the benefit already extended to the petitioner, has been withdrawn by the respondents, on the ground that the said orders were passed without giving due opportunity of hearing to the petitioner and, hence, the respondents are under an obligation to observe the rules of natural justice.

Learned State counsel submits that on merits, the petitioner is

not entitled for the benefit in question, keeping in view the averments made in the reply either under the rules governing the service or under the law that adhoc service is liable to be taken into account for giving increments in the fresh appointment by way of direct recruitment as nothing has come on record to show that before passing the impugned order, any show cause notice was issued to the petitioner, the said orders dated 12.12.2019 & 23.12.2019 (Annexure P/5 and P/6) be treated as withdrawn with liberty to the respondents to pass a fresh order after giving due opportunity of hearing to the petitioner.

Learned Senior counsel appearing for the petitioner submits that as the impugned orders have been withdrawn with liberty to pass a fresh order, no further grievance of the petitioner survives in the present writ petition hence, the same may kindly be disposed off having been not pressed any further.

Ordered accordingly.

November 17, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No