

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

Sr. No.561

**CWP-13523-1999 (O&M)
Date of decision: May 18, 2022**

Smt. Sangita

...Petitioner

Versus

The State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajinder Sharma, Advocate
for Mr. C.M. Chopra, Advocate
for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of certiorari quashing order dated 23.07.1999 (Annexure P-5), whereby the petitioner had been removed from service.

2. Vide interim order dated 23.09.1999, a Division Bench (as they then seized of the matter), while issuing notice of motion granted interim protection to the petitioner by directing that she will be allowed to work on the post on which she joined as a Clerk. The said order is still continuing to operate till today. It appears that by virtue of the said interim order the petitioner has been working as a Clerk for the past 23 years.

3. Thus, in view of experience gained by the petitioner on account of her continuous service as Clerk, the impugned order has lost its sanctity. On Court query, learned State Counsel also does not dispute that in the given circumstances, the contemplated action at the relevant time taken by the department, has now been rendered infructuous.

4. In the premise, keeping in view the submissions made by learned State counsel as noted hereinabove and in any case in order to balance the equities, respondents are directed to not initiate any adverse action against the petitioner and she shall be allowed to continue on the post on which she was originally appointed. Merely because of lapse of time caused by sheer pendency of the writ petition, the same shall not be construed as if the fortuitous benefit of the length of service rendered by the petitioner is to be denied to her for no fault of hers.

(ARUN MONGA)
JUDGE

May 18, 2022
Ashish/vandana

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