

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

LPA No. 448 of 2021 (O & M)

Date of decision: 10.08.2022

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Sukhvir

....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sumit Sangwan, Advocate,
for the appellant.

Ms. Palika Monga, DAG, Haryana.

Mr. Rohit Nagpal, Advocate,
for respondent Nos.5 and 6.

G.S.SANDHAWALIA, J. (Oral)

The present appeal is directed against the interim order of the learned Single Judge dated 03.05.2021 wherein the dispensation of service in view of the corrigendum dated 25.03.2021 was restricted subject to the final outcome of the writ petition. The pleadings had to be completed thereafter.

In the present appeal, on 07.05.2021, the following order was passed:-

“It is the contention of learned counsel for the appellant that assuming the stand of Haryana Staff Selection Commission-respondent No.4 is accepted, the order of termination of the services of the appellant could not have been passed without issuing him a show cause notice and following the procedure as prescribed under the statutory rules governing the service once the appellant had joined the service and was a part of the

cadre. He, thus, contends that the impugned order cannot sustain and deserves to be stayed during the pendency of the writ petition.

Notice of motion.

On the asking of the Court, Ms. Shubhra Singh, Additional Advocate General, Haryana, accepts notice on behalf of respondents No.1 to 4.

Mr. Rohit Nagpal, Advocate, accepts notice on behalf of respondents No.5 and 6.

List for arguments on 17.05.2021.

Status quo with regard to the service of the appellant shall continue till the next date of hearing.

It is clarified that it would be open to the official respondents to proceed in the matter in accordance with law.”

It is not disputed that the writ petition is now pending before the learned Single Judge for 23.09.2022 and even pleadings have not been completed by the State and the private respondents, though a period of almost one year and three months has gone by. By virtue of the order dated 25.03.2021, it is apparent that the appellant was ousted from the selection list and fell in the wait list.

It is not disputed that the appellant had joined his duties as Excise Inspector on 03.03.2021 as per Annexure P-8. It has also been brought to our notice that he was working as a Forester in the Forest Division, Bhiwani and submitted his technical resignation on account of his selection as Excise Inspector. Therefore, *prima facie* we are of the opinion that this fact escaped the notice of learned Single Judge as irreparable loss and injury would be caused to him.

In such circumstances, we are of the considered opinion that all the ingredients as such were present for the grant of the interim relief which were not considered in due earnestness at that point of time.

Accordingly, the appeal is allowed. Order dated 03.05.2021 as such stands modified to the extent that *status quo* with regard to the service of the appellant shall continue till the pleadings are completed. It is open to the parties to agitate the issues before the learned Single Judge thereafter and press for continuation of the relief. It is made clear that we have not observed on the merits of the case in any manner and only for the purpose of deciding the appeal and the interim benefit which is liable to be granted, we have passed the necessary orders.

(G.S. SANDHAWALIA)
JUDGE

10.08.2022
shivani/sailesh

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No