

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

CWP No. 19333 of 2018
Date of decision: 22.08.2022

Rajbir Singh

....Petitioner(s)

Versus

Union of India and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Shivdeep, Advocate,
for Mr. S.S. Majithia, Advocate,
for the petitioner.

Mr. Akshay Bansal, Advocate,
for Mr. Ashwani Talwar, Advocate,
for respondent Nos.2 and 3.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the Rule 37 read with Regulation 29 of the National Fertilizers Limited Employees (Conduct, Discipline & Appeal) Rules on the ground that they are ultra vires of the provisions of the Constitution, especially Article 311 (2) read with 19(1) of the CCS (CCA) Rules, 1965.

The cause of action as such which had arisen to the petitioner is that on account of the conviction recorded on 16.03.2016 by the Additional Sessions Judge, Karnal in Sessions Case No. 135 of 2013 in FIR No. 266 dated 26.07.2011 under Sections 302, 201, 452, 323 read with Sections 34 and 506 IPC lodged at P.S. Indri, Karnal. Resultantly, the petitioner was dismissed from service on 12.12.2016.

It is not disputed that CRA-D-400-DB-2016 was allowed on

SHIVANI GUPTA 24.09.2019 alongwith CRA-D-309-DB-2016 which was filed by the present
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writ petitioner, in which he has been acquitted. It is not disputed that on account of the said acquittal, the petitioner has been reinstated in service. Apparently, he thereafter was transferred from Karnal to Vijaipur which he challenged in CWP No. 4581 of 2020 which was dismissed on 13.07.2022, which order was upheld by us in LPA No. 655 of 2022 on 08.08.2022.

Resultantly, the cause of action as such to challenge the vires of the provisions has been, in our considered opinion, does not survive and the present petition has been rendered infructuous.

Accordingly, the present writ petition is disposed of as having been rendered infructuous.

(G.S. SANDHAWALIA)
JUDGE

22.08.2022
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(JAGMOHAN BANSAL)
JUDGE

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