

220

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

**Date of Decision: 03.05.2023**

1. **CWP-6754-2002 (O&M)**

**Harvinder Singh deceased through LR.**

**.. Petitioner**

**Vs.**

**Union of India and others**

**..Respondents**

**AND**

2. **COC-1707-2002 (O&M)**

**Harvinder Singh deceased through LR.**

**.. Petitioner**

**Vs.**

**Parkash Suri**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sushil Jain, Advocate for the petitioner(s).

Mr. Shivoy Dhir, Sr. Panel Counsel  
for respondents-UOI.

...

**Manoj Bajaj, J. (Oral)**

Petitioner-Harvinder Singh has brought this writ petition under Article 226 Constitution of India to challenge the order dated 28.03.2002 (Annexure P-4) passed by respondent No.5, whereby he was found unfit for continuance in service on being declared physically unfit and his services were terminated after expiry of thirty days from the date of service of this order upon him.

Learned counsel has argued that the petitioner joined the post of Draftsman in General Reserve Engineer Force (GREF) and continued to serve till 28.03.2002 when he was found unfit for service on medical disability. He submits that the petitioner suffered illness and was got admitted in 176 Military Hospital c/o 56 APO on 22.11.2001 and remained

admitted for six days, and thereafter, he was referred to CH(WC) Chandimandir for opinion of Psychiatrics. Before that, the petitioner's CT Scan was done and after examining him on 09.12.2001 at Command Hospital, Chandigarh, his behaviour was found normal, therefore, after discharge from hospital on 14.12.2001, he rejoined his duties and was granted earned leave w.e.f. 01.04.2002 to 30.04.2002. He submits that with this background, the petitioner had challenged the impugned order 28.03.2002 (Annexure P-4), whereby he was terminated from service.

This Court while issuing notice of motion had stayed the operation of the impugned order. Mr. Sushil Jain, learned counsel for the petitioner states that as the interim order dated 01.05.2002 was not complied with, therefore, the petitioner preferred COCP bearing No.1707-2002, which is also connected with the writ petition.

Learned counsel has submitted that when the services of the petitioner were terminated, he had rendered approximately 19½ years service, which was slightly short of the qualifying service for pension, but during the pendency of the petition, the petitioner was reinstated w.e.f. 05.04.2018 and after serving for approximately three years, he died on 07.03.2021.

Learned counsel has pointed out that during the pendency of the writ petition, the petitioner died and through miscellaneous application bearing No.11133-2021, his legal representatives were brought on record vide order dated 20.08.2021. Learned counsel has submitted that with the addition of three years service, the petitioner had acquired the qualifying service for pension and during the pendency of the petition, the widow has

been granted the family pension. In this regard, he has produced the PPO details.

The above sequence of events and subsequent development of granting family pension to the widow of Harvinder Singh is not disputed by learned counsel for the respondents-UOI.

Thus, considering the above changed circumstances and subsequent developments, this Court finds that the issue raised in the petition regarding termination of service of Harvinder Singh has lost its significance, as the effect of the impugned order has ceased to exist.

The writ petition is disposed of.

Similarly, as the impugned order dated 28.03.2002 (Annexure P-4) stands complied with, nothing survives in contempt petition as well.

Resultantly, both these petitions are dismissed.

03.05.2023  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |