

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

(218)

CWP-2437-2019

Date of Decision : August 10, 2023

Balldhir Singh**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Wazir Singh, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Mr. I.S. Sidhu, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed challenging the order dated 14.01.2019 (Annexure P-5) on the ground that the petitioner had already retired from service on attaining the age of superannuation on 31.01.2018 and there is no jurisdiction with the respondents to pass an order terminating the services of an employee with whom, there is no master and servant relationship and that too by passing an order of dismissal with retrospective effect.

2. Learned counsel for the petitioner submits that during the pendency of the present petition, the conviction of the petitioner has been over turned by the Sessions Court vide judgment dated 20.12.2022, hence, the grounds which have been taken in the impugned order dated 14.01.2019

to terminate the services of the petitioner with retrospective effect and that too after his retirement no longer exist, hence, passing of the impugned order needs re-consideration at the hands of the respondents in view of facts which have come now.

3. Learned State counsel submits that in case the petitioner files any representation bringing the said facts to the notice of the Department, appropriate speaking order will be passed within a period of eight weeks of the receipt of any such representation and in case as per the speaking order, the petitioner becomes entitled for any benefit, the same will also be extended to him within a further period of four weeks.

4. Learned counsel for the petitioner, on the instructions from the petitioner, who is also present in the Court, submits that the present petition may kindly be disposed of having been not pressed, at this stage with liberty to the petitioner to file appropriate representation with the respondents bringing to their notice the facts which had come into existence after the passing of the impugned order including the fact that the petitioner has already been acquitted by the competent Court of law and the ground for the dismissal from service, does not exist any further.

5. Ordered accordingly.

August 10, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes