

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

CWP-5541-2023 (O&M)
Date of decision: 05.10.2023

Rakesh Kumar Sharma

.....Petitioner

V/s

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Vishal Goel, Advocate
 for the petitioner.

Mr. Arun Gupta, AAG Punjab.

DEEPAK MANCHANDA J. (ORAL)

CM-15924-CWP-2023

This is an application under Section 151 CPC for fixing the main case i.e., ***CWP-5541-2023*** for an actual date of hearing.

The main case which was admitted on 17.03.2023 is taken on board today itself.

CM stands disposed of.

Main case

This petition is filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondent No.1 to invite the fresh applications for the post of Administrative Officer in the office of Advisory Committee, Mandir Shri Kali Devi Ji/Mandir Shri Rajeshwari Ji, Patiala and fill up the post by resorting to a fair and transparent procedure.

Vide order dated 17.03.2023, the present petition was heard and admitted. Thereafter, petitioner filed the present application bearing CM

No.15924-CWP-2023 under Section 151 CPC for fixing the actual date of hearing on the ground that since the tenure of respondent No.3 i.e. Manav Babbar, who was appointed on the post of Administrative Officer in the office of Advisory Committee, Mandir Shri Kali Devi Ji/Mandir Shri Rajeshwari Ji, Patiala has been completed in the month of August, 2023 but inspite of the same, respondent No.3 is still working on the same post without any authority letter and therefore, present petition be fixed for actual date of hearing and be decided on merits.

On 22.09.2023, when the application was listed, learned counsel for the applicant-petitioner sought an adjournment on the ground that the arguing counsel was not feeling well and the matter was adjourned today i.e., 05.10.2023.

Mr. Rupinder Singh Rana, Advocate for Ms. Swati Dayalan, Advocate has put in appearance in the Court on behalf of respondents No.1 and 2 and filed *power of attorney*, which is taken on record.

The petitioner is aggrieved by the appointment of respondent No.3 on the post of Administrative Officer in the office of Advisory Committee, Mandir Shri Kali Devi Ji/Mandir Shri Rajeshwari Ji, Patiala and has filed this petition with the prayer that directions be issued to the respondent No.1 for inviting the fresh applications for the post of Administrative Officer in the post of Advisory Committee, Mandir Shri Kali Devi Ji/Mandir Shri Rajeshwari Ji, Patiala and fill up the post by resorting to a fair and transparent procedure and with a further prayer that record of the respondent No.3 be called vide which the respondent No.3 was appointed on the said post. As per application filed by the petitioner, it is admitted that now the tenure of the respondent No.3 has already been over in the month of August, 2023 during the pendency of the present petition though he is still continuing on the same post.

Learned counsel for the respondents No.1 and 2 submits that since the tenure of the respondent No.3 being the administrative officer has already been completed, now a procedure for fresh appointment shall be followed in accordance with law in a due course.

Keeping in view the statement made by learned counsel for the respondents No.1 and 2, nothing remains to be adjudicated and the present petition is disposed of accordingly.

05.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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