

115

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

CM-12007-CWP-2023 in/and
CWP-12795-2023 (O&M)
Date of decision: 31.07.2023

Brij Pal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arjun Dev, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

CM-12007-CWP-2023 in/and CWP-12795-2023

1. Prayer in the application bearing No.CM-12007-CWP-2023 filed under Section 151 of CPC is for withdrawal of the main writ petition bearing No.CWP-12795-2023 with liberty to the applicant-petitioner to file a fresh petition in view of changed circumstances.

2. Learned counsel for the applicant-petitioner has submitted that in the main writ petition which has been filed under Article 226 of the Constitution of India, challenge has been made to the order dated 23.02.2017 (Annexure P-3), whereby, the petitioner has been ordered to be dismissed from service and the same is now pending adjudication for

05.10.2023 and it has been submitted that the impugned order has been superseded by an order dated 08.06.2023 and in the said change of circumstances, the applicant-petitioner prays for preponement of the date of hearing in the main case from 05.10.2023 to today itself.

3. Learned State Counsel has submitted that she has no objection in case, the date of hearing in the main case is preponed from 05.10.2023 to today and the applicant-petitioner is permitted to withdraw the same with liberty as sought.

4. Keeping in view the abovesaid facts and circumstances and in view of no objection from the opposite side, the date of hearing in the main case is preponed from 05.10.2023 to today and the same is taken on Board today itself for final disposal.

5. Accordingly, the present application bearing No.CM-12007-CWP-2023 is allowed and the writ petition bearing No.CWP-12795-2023 is dismissed as withdrawn with liberty to the petitioner to file a fresh petition challenging the subsequent order passed.

6. It is made clear that in case, any such petition is filed, then the same would be considered independently and in accordance with law.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

31.07.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No