

CWP-16314-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CWP-16314-2016

Date of decision:- 02.03.2023

Rakesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.S.Ghuman, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Mr. R.S.Ghuman, Advocate has put in appearance on behalf of the petitioner and has filed Vakalatnama, which is taken on record.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India inter alia for issuance of a writ in the nature of certiorari seeking quashing of suspension order dated 10.12.2010, Annexure P-1, and punishment orders dated 30.09.2014 and 24.05.2016, Annexures P-9 and P-14, respectively. Another prayer has been made for directing the respondents to grant all the consequential benefits of service to the petitioner with interest etc.

Heard counsel for the parties.

As per the response submitted the official respondents, the petitioner has a remedy of filing an appeal under Rule 9 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, however, the petitioner has approached this Court without availing the same.

As the petitioner has an alternative and efficacious statutory remedy, he has to exhaust it before approaching this Court under Article 226 of the Constitution.

In view of the above, petition is dismissed as not maintainable.

However, liberty is granted to the petitioner to take recourse to the remedy available to him under the applicable service rules. In case, the petitioner files an appeal within one month of the receipt of certified copy of this order, along with an application for condonation of delay, the appellate authority shall examine the prayer for condonation considering that the writ petition has remained pending before this Court for the last seven years.

(SUVIR SEHGAL)
JUDGE

02.03.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No