

CWP No. 16317 of 2017

2023:PHHC:129419

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CWP No. 16317 of 2017

Date of Decision : 05.10.2023

Fazruddin

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sachmeet Singh Randhawa, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The present petition was filed challenging the order dated 18.07.2017 (Annexure P-9) by which the services of the petitioner were dispensed with. During the pendency of the petition, the respondents have passed an order on 20.08.2021 (Annexure P-11) to the extent that the petitioner has been reappointed on the post of the Driver instead of reinstatement with continuity in service.

Learned counsel for the petitioner argues that in the present petition, a direction was given by the Director State Transport, Haryana to the General Manager to reinstate the petitioner, whereas the petitioner has been re-appointed as a Driver afresh, which takes away the service,

which the petitioner had already rendered, which action of the respondent is causing prejudice to the petitioner.

Learned counsel for the petitioner submits that once an higher authority i.e. Director Transport has already granted a benefit of reinstatement, the order by the General Manager, Haryana Roadways, Nuh in re-appointing the petitioner is bad.

On being pointed out that whether the petitioner has approached the higher authority raising the said claim before approaching this Court, learned counsel concedes the factum that Director Transport has not been approached qua the said prayer.

Learned counsel for the petitioner submits that the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to approach the Director Transport raising grievance qua order dated 20.08.2021 (Annexure P-11) passed by the General Manager, Haryana Roadways, Nuh and the respondents be directed to decide the said claim in a time bound manner so that petitioner does not suffer any prejudice.

Learned counsel for the respondents submits that in case, any representation is received qua the order dated 20.08.2021 (Annexure P-11), appropriate order will be passed by the Director Transport within a period of eight weeks of the receipt of any such representation and in case, petitioner is found entitled for any relief, the same will be extended to him within a further period of two weeks.

Learned counsel for the petitioner submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty as prayed for.

Ordered accordingly.

October 05, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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