

CM-18607-CWP-2023 in/and
CWP No. 17689 of 2018

2023:PHHC:158222

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CM-18607-CWP-2023 in/and
CWP No. 17689 of 2018
Date of Decision : 11.12.2023

Meena Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajit Sihag, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-18607-CWP-2023

Present application has been filed for recalling the order dated 12.10.2023, by which, the present petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which is duly supported by an affidavit, coupled with the fact that learned counsel for the respondents has not objected to the relief as prayed in the present application, the same is allowed. The order dated 12.10.2023 is recalled and the appeal is restored to its original number and status.

CWP-17689-2018

1. Learned counsel for the petitioner argues that the impugned order dated 22.05.2018 (Annexure P-15) has been passed by the respondents unilaterally without giving any opportunity of hearing to the petitioner and the benefit of regularization of her services on the post of Peon has been withdrawn. Learned counsel for the petitioner submits that no benefit once extended, can be withdrawn without giving opportunity of hearing, hence, the impugned order dated 22.05.2018 (Annexure P-15) is liable to be set-aside on the ground that the same is violative of the rules of natural justice.

2. Learned State counsel submits that keeping in view the instructions received from Dr. Dharmendra, Joint Director, GLF, Hisar, the impugned order dated 22.05.2018 (Annexure P-15) be treated as withdrawn with liberty to pass a fresh order in accordance with law by giving appropriate opportunity of hearing to the petitioner.

3. Learned counsel for the petitioner submits that keeping in view the fact that impugned order dated 22.05.2018 (Annexure P-15) has been withdrawn though with liberty to pass a fresh order, the present petition has been rendered infructuous and the same may kindly be disposed of as such.

4. Ordered accordingly.

December 11th, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No