

2023:PHHC:119046

201

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

**CWP-23498-2022 (O&M)
Date of Decision: 29.08.2023**

Principal Accountant General (Accounts & Entitlement), Punjab & U.T.,
Chandigarh

..... Petitioner

Versus

Veena Kapur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. Navneet Kaur, Advocate for
Mr. Barjesh Mittal, Advocate
for the petitioner.

Mr. Vishaldeep Goyal, Advocate
for respondent No.1.

Mr. Rohit Kaushik, Advocate
for respondents No.2 to 4.

HARSH BUNGER J. (ORAL)

1. The instant petition under Articles 226/227 of the Constitution of India has been filed seeking issuance of a writ, order or direction in the nature of *mandamus*, directing the District Consumer Dispute Redressal Forum-II, U.T., Chandigarh (respondent No.6) to dismiss Complaint No.CC/605/2021 titled as ***“Veena Kapur Vs. Secretary, Department of Education and others”***, which is pending adjudication and is pertaining to the service dispute. A further prayer has been made for issuance of *ad interim* directions to respondent No.6 to stay the further proceedings in the aforesaid consumer complaint case during the pendency of this petition.

2. At the very outset, learned counsel for the petitioner submits

that the instant petition has become infructuous as Complaint No.CC/605/2021 filed by respondent No.1 has been withdrawn.

3. Learned counsel for respondent No.1 has not disputed the aforesaid fact and handed over a photocopy of order dated 05.04.2023 passed by the District Consumer Disputes Redressal Commission-II, U.T., Chandigarh, which is taken on record, subject to all just exceptions. The same reads as under:-

“The Ld. Counsel of complainant wants to withdraw the present complaint with liberty to file a fresh complaint. In this regard he has also appended a note on the complaint file.

In view of the above, this complaint is dismissed as withdrawn. However, the complainant would be at liberty to file a fresh complaint on the same cause of action before the appropriate Authority/Court/Forum/Commission, as per law.

Certified copy of this order be communicated to the parties free of cost. After compliance file be consigned.”

4. Keeping in view the aforesaid fact as well as the submissions made by learned counsel for the parties, the present petition is dismissed as having been rendered infructuous.

5. All pending application(s), if any, shall also stand closed.

29.08.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No