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

CM-20666-CWP-2023 in/and
CWP-27153-2023 (O&M)
Date of decision: 12.12.2023

Suresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashutosh Kaushik, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

VIKAS BAHL, J. (ORAL)

CM-20666-CWP-2023

1. This is an application filed under Order 9 Rule 9 read with Section 151 CPC for restoration of the case and recalling of order dated 04.12.2023.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 04.12.2023 is recalled and the main case is restored to its original number.

Main case

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to properly fix the pension of the petitioner

(retired Constable) after granting him 1st Assured Career Progression after completion of 10 years of service, 2nd ACP after completion of 20 years of service w.e.f. 23.01.2009 and 3rd ACP after completion of 24 years of service w.e.f. 04.03.2014

2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner in the present writ petition, the petitioner had given a detailed representation dated 04.10.2023 (Annexure P-8) and he would be satisfied at this stage, in case, the competent authority of respondent No.1-State is directed to consider the said representation dated 04.10.2023 (Annexure P-8) in a time bound manner and in case, the pleas raised by the petitioner are found to be meritorious then to grant necessary relief in accordance with law.

3. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said representation dated 04.10.2023 (Annexure P-8) in accordance with law, as expeditiously as possible preferably within a period of two months from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the competent authority of respondent No.1-State to consider representation dated 04.10.2023 (Annexure P-8) in accordance with law within a period of two months from the date of receipt of certified copy of the present order and in case, the pleas raised by the petitioner are found to be meritorious then the competent authority would grant necessary relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised

by the petitioner are not meritorious then a speaking order rejecting the same be passed within a period of two months from the date of receipt of certified copy of the present order.

5. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider the case of the petitioner independently, in accordance with law.

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

12.12.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No