

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

(272)

CWP-1823-2024

Date of decision: - 01.04.2024

Vijay Kumar

....Petitioner

Versus

Union Territory Chandigarh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Dharam Bir Bhargav, Advocate,
for the petitioner.

Mr. Karajveer Singh, Advocate
for Mr. Piyush Khanna, Advocate
for the respondent-UT Chandigarh.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 27.03.2023 (Annexure P-6) and 09/10.01.2024 (Annexure P-10) passed by respondents No.2 to 4 whereby the respondents have directed the petitioner to vacate the House No.365/T-I/NPL, Sector 26, UT Chandigarh.
2. On 30.01.2024, this Court was pleased to pass the following order: -

“Inter alia contends that the petitioner was dismissed from service solely on account of conviction of the petitioner in a complaint case by the Judicial Magistrate Ist Class, Chandigarh on 22.12.2022 and on account of the said dismissal of the petitioner, he was asked to vacate the official accommodation which the petitioner was

occupying. It is submitted that the judgment dated 22.12.2022 has been set aside by the Additional Sessions Judge, Chandigarh vide judgment dated 20.10.2023 and the matter has been remanded back and thus, as on date, the petitioner is not convicted and has moved an application for reinstatement and has also filed a petition before the Central Administrative Tribunal, Chandigarh Bench for reinstatement. It is also submitted that since, the sole ground for dismissal is now no more valid, thus, the petitioner be permitted to retain the official accommodation at least till the time the case before Central Administrative Tribunal is decided. It is contended that in case the said case is decided against the petitioner and the petitioner is not ordered to be reinstated then the petitioner would vacate the premises within some reasonable time. It is further submitted that in order to show his bona fide, the petitioner is ready to deposit the amount of Rs.50,000/- on account of the rent/penal rent and in case the petition before the Central Administrative Tribunal is dismissed and the petitioner is not reinstated, the same be credited to the respondent authority.

Notice of motion for 01.04.2024.

On asking of the Court, Mr. Ankit Midha, Advocate accepts notice on behalf of UT Chandigarh and seeks time to get instructions.

Till the next date of hearing, status quo as it exists today be maintained subject to the petitioner depositing the amount of Rs.50,000/-within a period of two weeks from today with the concerned Department and produce the receipt regarding the said payment on the next date of hearing.

To be taken up at 12:00 pm.

It is made clear that in case there is any other violation by the petitioner by virtue of which the respondent authorities are entitled to evict the petitioner, then the present order would not come in the way.”

3. Learned counsel appearing for the respondents-UT Chandigarh has fairly submitted that in the present case, the dismissal order of the petitioner from service stands set aside and the petitioner has been taken back in service with immediate effect vide order dated

04.03.2024 and his period of dismissal w.e.f. 17.02.2023 till the date of joining in service, would be treated as period spent on duty. A copy of the said order dated 04.03.2024 has been handed over to the Court during the course of arguments, which is taken on record and the same has been marked as 'Mark A'.

4. Learned counsel for the respondents has submitted that in view of the said order dated 04.03.2024, the impugned orders do not survive and the respondents have no objection in case the same are set aside.

5. Keeping in view the above-said facts and circumstances and also in view of the order dated 04.03.2024, the present writ petition is allowed and the impugned orders dated 27.03.2023 (Annexure P-6) and dated 09/10.01.2024 (Annexure P-10) are set aside.

April 01, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No