

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

CWP-2289 of 2024

Date of decision: 05.02.2024

Makhan Singh

.....Petitioner

Versus

The Appellate Authority/Board of Directors, The Punjab Agro Industries Corporation and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. H.S. Saggu, Advocate, for the petitioner.
Mr. Ranjit Singh Kalra, Advocate, for the respondents.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant writ petition by making following prayer: -

“i) Issue any suitable writ, order or direction especially in the nature of certiorari for quashing the impugned order dated 04.01.2021 (Annex.P/25) passed by respondent no.1 dismissing the statutory appeal in an illegal and arbitrary manner and also for quashing the order dated 25.11.2019 (Annex.P/8) passed by respondent no.3 vide which petitioner has been dismissed from service by an officer who was not having authority to do so as per Rule 34 of Standing Order of Punjab Agro Industries Corporation Ltd. thereby also imposing the recovery and also forfeiting all his service benefits in contravention of the statutory rules and regulations and the orders are perverse and erroneous based on no evidence as it was not within the duties of petitioner being employed as Storeman and assigned the duties of Plinth Incharge without imparting of any training & further imposed upon the duties of technical Staff as per the law laid down by the Hon'ble

court in CWP No.4405 of 2014 titled as Gurcharan Singh Vs. The Punjab State Warehousing Corporation and another decided on 06.05.2019 (Annex.P/23) alongwith other bunch of petitions laying down the law relating to no liability to be affixed upon the employee relating to prolonged storage and delay in movement of wheat stocks due to lapse on behalf of FCI besides the charge sheet dated 24.01.2018 (Annex.P/2) which is contrary to the record as the foodgrains were stored for more than a period of 2/3 Years in complete contravention of the instructions of FCI/GOI which state that wheat crop must be moved within 6 months and the impugned orders are also liable to be set aside as none of the damage is attributable to the petitioner even in view of the evidence before the enquiry officer and the rights of the petitioner have been violated under articles 14 and 16 of the Constitution of India and a similar matter has already been adjudicated upon by this Hon'ble Court in CWP NO.4405 of 2014 titled as Gurcharan Singh Vs. Punjab State Warehousing Corporation and another, that has been decided vide judgment dated 06.05.2019.

- ii) Issue a writ in the nature of mandamus directing the respondents to reinstate the petitioner in service from due date alongwith all consequential benefits including arrears of salary, seniority, continuity in service and other benefits.
- iii) Issue any other writ, order or direction, which this Hon'ble Court deem fit in the facts and circumstances of the case.
- iv) dispense with the filing of certified & typed copies of Annexures in view of the urgency of the matter.
- v) dispense with the serving of advance notice upon the respondents.
- vi) allow costs of the petition in favour of the petitioner.

It is further prayed that during the pendency of the present writ petition the operation of the impugned order dated 04.01.2021 (Annex.P/25) and 25.11.2019 (Annex.P/8) alongwith recovery from the petitioner may kindly be stayed.”

2. On receipt of advance copy of the paperbook, learned counsel for the respondents submits that for claiming the same relief, petitioner had filed CWP-2323 of 2021 – Makhan Singh v. Punjab Agro Industries Corporation and others – in which notice of motion has been issued and the same is fixed on 07.05.2024.

3. Faced with this situation, learned counsel for the petitioner wishes to withdraw present petition.

4. Since the factum of said writ petition has not been disclosed in the present petition, which, in any case, is not maintainable once the petitioner has already claimed same relief in CWP-2323 of 2021, therefore, petitioner is permitted to withdraw this petition subject to payment of costs of Rs.20,000/- to be deposited with the Punjab and Haryana High Court Bar Association within a period of two months and receipt of the same be produced on 07.05.2024 when CWP-2323 of 2021 is listed for hearing.

05.02.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No