



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-1032-2019 (O&M)

Date of Decision: 26.09.2024

SURENDER KUMAR

... Appellant

V/S

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Nagpal, Advocate for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Appellant-plaintiff is in second appeal before this Court challenging the judgment and decree passed by the lower appellate Court, whereby the judgment and decree passed by the trial Court has been modified.

2. Appellant-plaintiff filed a suit for decree of declaration to the effect that order dated 26.04.2010, Ex. P-12, and order dated 06.09.2013, Ex.P-13, whereby punishments were imposed and departmental appeal was dismissed, are illegal, null and void. After contest by the respondents-defendants, suit was accepted by the trial Court vide judgment and decree dated 13.03.2015. Appeal preferred by the defendants was partly allowed by the learned Additional District Judge,



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Fatehabad and while affirming the findings of the trial Court, first appellate Court granted liberty to the defendants to issue a fresh show cause notice to the plaintiff pursuant to the inquiry report, Ex.D-6 and to proceed in accordance with law.

3. State counsel submits that in compliance of the impugned judgment, a fresh notice was issued to the appellant-plaintiff, who submitted his response and after affording him with an opportunity of hearing, an order dated 19.09.2019 has been passed imposing some punishments. A xerox copy of the order has been placed on record.

4. In view of this development, counsel for the appellant submits that appeal has become infructuous. He, however, seeks and is granted liberty to challenge freshly passed order, in accordance with law.

5. Dismissed as having been rendered infructuous with liberty as aforesaid.

26.09.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No