

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

(110)

CWP-3862-2024

Date of Decision : February 20, 2024

Sumit Aggarwal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Singh Dhull, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner submits that without holding a departmental enquiry into the allegations alleged against the petitioner, merely on the ground that the petitioner is behind the bars in respect of an FIR, his services have been terminated vide order dated 23.10.2023 (Annexure P-9) by invoking Article 311 (2) (b) of the Constitution of India, which is totally arbitrary and illegal.

2. Notice of motion.

3. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

4. Learned counsel for the respondents submits that the impugned order dated 23.10.2023 (Annexure P-9) is an appealable order and the petitioner without availing the said remedy, has filed the present writ petition hence, the present writ petition should be dismissed.

5. Faced with this situation, learned counsel for the petitioner submits that the present writ petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to avail appropriate remedy in respect of the impugned order dated 23.10.2023 (Annexure P-9) by filing appropriate appeal before the appropriate authority but prays that in case, the said appeal is filed, the respondents be directed to decide the same in a time bound manner so that the petitioner does not suffer any prejudice.

6. Learned counsel for the respondents submits that in case any appeal is preferred by the petitioner, the same will be decided on merits and that too within a period of eight weeks of the receipt of any such appeal.

7. Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, the grievance of the petitioner stands satisfied and the present writ petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to avail the remedy of appeal.

8. Ordered accordingly.

February 20, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No