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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6439-2024
Date of decision: 18.03.2024

Om Parkash ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ranjit Singh Kalra, Advocate for the petitioner.
Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of certiorari for setting aside the notice/order dated 01.01.2024 (Annexure P-1) received on 08.01.2024, vide which, the petitioner has been compulsorily retired at the age of 55 years w.e.f. 31.03.2024.
2. Learned State Counsel has produced a short reply of Superintendent of Police, Panipat on behalf of respondent-State and has submitted that in the said short reply, it has been stated that the competent authority is seeking to withdraw the impugned notice (Annexure P-1) with liberty to take appropriate steps in accordance with law. Short reply filed by Ajit Singh Shekhawat, IPS, Superintendent of Police, Panipat is taken on record and marked as Mark "A". Relevant portion of the same is reproduced hereinbelow:-

"1. That at the outset it is submitted that the competent

authority may be allowed to withdraw the notice dated 08.01.2024 Annexure P-1, with liberty to take appropriate steps/fresh decision in accordance with law.

In view of the submissions made above, it is humbly prayed that the present petition may kindly be dismissed in the interest of justice, equity and fair play.

Place : Panipat Sd/- (Ajit Singh Shekhawat, IPS)

*Dated: 18.03.2024 Superintendent of Police,
Panipat”*

3. It is further submitted by learned State Counsel that in view of the said stand, at this stage the present writ petition has been rendered infructuous.

4. Learned counsel for the petitioner has submitted that in the said short reply, it has been stated that the Superintendent of Police, Panipat be permitted to withdraw the notice but it has not been stated that notice (Annexure P-1) stands withdrawn/set aside and in view of the said statement, the impugned notice/order be set aside.

5. Keeping in view the abovesaid facts and circumstances and also short reply dated 18.03.2024, the present Civil Writ Petition is partly allowed and the impugned notice (Annexure P-1) is set aside and the respondent authorities are granted liberty to proceed afresh/take fresh decision in accordance with law.

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

18.03.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No