

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7250-2024
Date of decision : 01.04.2024

R.K. Goel, Chief Engineer (Retd.)

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rishab Jain, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to decide the representation dated 18.07.2022 (Annexure P-7).
2. Learned counsel for the petitioner has submitted that the petitioner had earlier filed a writ petition i.e., CWP-9262-2015, which was disposed of by a Coordinate Bench of this Court with the following observations:-

“Learned counsel for the petitioner submits that as the order impugned is appealable under Section 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1971, the present petition may kindly be disposed off having been not pressed any further with liberty to the petitioner to avail an alternative remedy.

Ordered accordingly.

It is made clear that as the petitioner was pursuing the present remedy, the appeal, if any, preferred by the petitioner be decided on

merits.”

3. Learned counsel for the petitioner has submitted that the petitioner, in view of the statement made on behalf of the petitioner, was permitted to pursue the remedy of appeal, as it was stated by learned counsel for the petitioner that against the impugned order, an appeal under Section 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1971 was maintainable. It is submitted that after studying the entire matter, it has come to the notice of learned counsel for the petitioner that no such appeal is maintainable whereas a review under Rule 21 of the Punjab Civil Services (Punishment and Appeal) Rules, 1971 is maintainable. Learned counsel for the petitioner, in view of the same, seeks to withdraw the present petition with liberty to file an appropriate application in the earlier writ petition, in accordance with law.
4. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

April 01, 2024
Davinder Kumar

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