

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

(106)

CWP-7615-2024

Date of Decision : April 05, 2024

Raj Kumar**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Learned counsel for the petitioner submits that the impugned order dated 03.01.2024 (Annexure P-6), which has been passed by the respondents, is contrary to the order passed by this Court dated 31.10.2023.

2. Notice of motion was issued by passing the following order:-

“ Learned counsel for the petitioner submits that the petitioner had approached this Court by filing CWP No.2269 of 2019 challenging the non-grant of the ACP on the ground that the ACR of the year 2004-05, there was an integrity doubtful, which writ petition was disposed of by this Court on 31.10.2023 wherein, a finding has been recorded that the said ACR could not have been taken into account to deny the ACP admissible to the petitioner on account of rendering 30 years service upto the year 1998 but still, on the same ground, the impugned order has been passed by the General Manager, Roadways, Panipat dated 03.01.2024, which actually amounts

to contempt of Court.

Notice of motion.

Mr. Harish Nain, AAG, Haryana, accepts notice on behalf of the respondents-State.

Learned counsel for the respondent concede the factum that as per impugned order the same ACR of the year 2004-05, which was directed not to be taken into consideration, has been considered for denying the ACP benefit to the petitioner.

That being the actual fact, prima-facie the impugned order amounts to contempt of Court.

At this stage, the learned counsel for the respondents-State seeks a short adjournment to apprise this Court as to whether, the respondent will withdraw the said order to pass a fresh order in accordance with the directions given in CWP No.2269 of 2019.

To come up for further consideration on 05.04.2024.”

3. Learned counsel for the respondents, on the instructions from Mr. Kuldeep Jangra, General Manager, Haryana Roadways, Panipat, submits that the impugned order dated 03.01.2024 (Annexure P-6) be treated as withdrawn with liberty to pass a fresh order in accordance with law keeping in view the order passed in CWP No.2269 of 2019.

4. Learned counsel for the petitioner submits that as the impugned order dated 03.01.2024 (Annexure P-6) has been withdrawn, the present writ petition has been rendered infructuous and the same may kindly be disposed of as such.

5. Ordered accordingly.

April 05, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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