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

CWP-8930-2024

Date of decision: 13.05.2024

Balbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naresh Kumar Ganga, Advocate for the petitioner.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing respondent No.2 to decide the representation dated 09.08.2023 which is pending since 09.08.2023 with respondent No.2. Challenge is also made to the dismissal order dated 16.04.2010 (Annexure P-2) whereby appeal of the petitioner has been dismissed.

2. A perusal of the file would show that the petitioner was dismissed from service vide order dated 07.09.2009 in pursuance of an inquiry in which inquiry report dated 27.12.2007 was submitted. The said inquiry report dated 27.12.2007 is neither annexed nor challenged. Appeal filed by the petitioner was dismissed on 16.04.2010 since it was filed beyond the period of four months. A perusal of page 31 would show that the



revision petition filed by the petitioner against the said order was dismissed on 08.10.2010. However, neither the said order has been annexed nor challenged. The petitioner has also annexed the order dated 03.02.2016 (Annexure P-4) holding that no further remedy is available. Even the said order has not been challenged. An earlier writ petition i.e. CWP-16819-2023 was filed in which several of the above facts were not mentioned and when this Court was not inclined to interfere in the matter, the petitioner had withdrawn the writ petition with liberty to pursue his mercy petition which as per the case of the petitioner was pending. No direction was given to decide the mercy petition as no provision of law was referred to by the learned counsel to show that the said mercy petition is maintainable. The petitioner has again filed the present writ petition in effect making the same prayers as have been made in the earlier writ petition.

3. This Court was inclined to dismiss the present writ petition with costs as the same is absolutely frivolous and is a waste of the time of the Court.

4. Learned counsel for the petitioner has submitted that in view of the abovesaid facts and circumstances, he be permitted to withdraw the present writ petition.

5. In view of the above, the present Civil Writ Petition is dismissed as withdrawn.

13.05.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No