

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-10982-2019 (O&M)
Decided on : March 11, 2024

PRITHVI RAJ

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Abhishek Arora, Advocate for
Mr. Amarpreet Singh Bains, Advocate
for respondent no.4.

Mr. Barjesh Mittal, Advocate
for respondent no.5.

NAMIT KUMAR, J. (Oral)

1. The present petition has been filed by the petitioner under Articles 226/227 of the Constitution of India seeking writ in the nature of *Certiorari* for quashing the letter dated 27.11.2018 (Annexure P-6) and further writ of *mandamus* has been sought for directing the respondents to release the amount of arrears of the petitioner for the period from 01.12.2011 to 31.12.2016 and to re-fix the salary of the petitioner w.e.f. 01.12.2011 alongwith consequential benefits.

2. In the reply filed on behalf of Respondent No.4, it has been stated as under:

xxx xxx xxx xxx

That the petitioner had already filed a reply to the show cause notice on 24.12.2018 (Annexure P-7). It is most respectfully

submitted that the present writ petition is premature and liable to be dismissed on this short ground alone. The present petition challenges a show cause notice (i.e. Annexure p-6) to which the petitioner has admittedly filed a reply. It is settled law that a challenge to a mere show cause notice is impermissible in law. The present writ petition was filed without awaiting the passing of a formal reasoned speaking order after considering the merits of the case and the reply filed by the petitioner. In the light thereof, the present writ petition is liable to be dismissed.

xxx xxx xxx xxx

3. Learned counsel for Respondent No.4 submits that after considering the reply of the petitioner to show cause notice dated 27.11.2018 (Annexure P-6), a speaking order to this effect has been passed, whereby claim of the petitioner has been passed. However, learned counsel for the petitioner submits that copy of abovesaid speaking order has not been supplied to him.
4. Upon this, learned counsel for Respondent No.4 submits that copy of the abovesaid speaking order shall be provided to the petitioner within a period of two weeks from today.
5. In this view of the matter, learned counsel for the petitioner wishes to withdraw the present petition to enable him to challenge the said speaking order before the appropriate authority in accordance with law.
6. Dismissed as withdrawn, with liberty aforesaid.
7. All pending application(s), if any, shall stand disposed of.

March 11, 2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(NAMIT KUMAR)

JUDGE