



CWP-9875-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-9875-2024
Date of decision : 17.05.2024

Subhash Chander

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.R.K.Malik, Senior Advocate with
Mr.Sandeep Dhull, Advocate
for the petitioner.

Mr.Amandeep Joshi, DAG, Haryana.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari to quash the order dated 19.04.2024 (Annexure P-3) vide which the petitioner was ordered to be compulsory retired.
2. On 01.05.2024, this Court was pleased to pass the following order:-

“Learned senior counsel for the petitioner has submitted that the impugned notice/order is stigmatic and the reliance has been placed upon a judgment of the Hon'ble Supreme Court in case titled as “R.K. Panjetha Vs. Haryana Vidyut Prasaran Nigam Ltd.”, reported as 2002(10) SCC 590, in which, the Hon'ble Supreme Court observed that the order of compulsory retirement therein was stigmatic and punitive and thus, could not be sustained. Further, reliance has been placed upon a judgment of



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the Division Bench of this Court in case titled as “S.B. Panihar Vs. Haryana Vidyut Prasaran Nigam Limited, reported as 2002(2) SLR 490 in support of the said argument.

Notice of motion for 10.05.2024.

Notice re: stay as well.

On the asking of the Court, Ms. Rajni Gupta, Additional Advocate General, Haryana, appears & accepts notice on behalf of the respondents-State and prays for an adjournment to get instructions in the matter.

To be taken up at 12.00 noon.”

3. Learned State counsel has handed over a copy of the order dated 14.05.2024 in the Court, which is taken on record as “Mark A”, as per which, the impugned order has been withdrawn and it has been stated that a fresh notice would be issued, in accordance with law.
4. Learned senior counsel for the petitioner has submitted that in view of the above, the present petition be disposed of at this stage but liberty be granted to the petitioner to file a writ petition, in case, in future, any cause arises.
5. In view of the above, the present writ petition is disposed of at this stage, with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

May 17, 2024
Davinder Kumar

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