



CWP-10517-2024(O&M)

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

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CWP-10517-2024(O&M)

Date of decision: 16.05.2024

Ashok Kumar

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Ankur Lal, Advocate,
for the petitioner.

Ms. Palika Monga, DAG, Haryana.

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 certiorari for quashing the impugned ACR of the petitioner recorded for the period 05.04.2016 to 31.03.2017 (Annexure P-1), impugned order dated 28.07.2017 (Annexure P-2), impugned enquiry report dated 12.11.2021 (Annexure P-3), impugned show cause notice dated 10.01.2022 (Annexure P-4), impugned order dated 13.04.2022 (Annexure P-6) vide which punishment of stoppage of two annual increments with permanent effect was imposed, impugned order dated 12.07.2022 and 07.03.2023 (Annexures P-8 and P-9 respectively) to the extent complete punishment order has not been set aside and impugned order dated 16.04.2024 (Annexure P-12), impugned order dated 25.04.2024 received on 09.05.2024 (Annexure P-12/A) vide which the petitioner has been ordered to be retired from service upon completion of three months from the receipt of impugned notice.

2. On 07.05.2024, this Court had passed the following order:-



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*“Learned counsel for the petitioner has submitted that in the present case the impugned notice is stigmatic in nature and on the said count, has relied upon the judgment of the Hon'ble Supreme Court of India in **R.K. Panjetha vs. Haryana Vidyut Prasaran Nigam Ltd. reported as 2002(10) SCC 590.***

Learned State counsel prays for a short adjournment to get instructions in the matter.

Adjourned to 16.05.2024.

To be taken up after the urgent list.”

3. Learned counsel for the State has submitted that vide separate orders dated 15.05.2024, copies of which have been handed over to this Court during the course of arguments, which are taken on record as “Mark A and Mark B”, the impugned notice dated 16.04.2024 as well as impugned order dated 25.04.2024 (Annexures P-12 and P-12/A appended along with amended petition) have been withdrawn and thus, the present writ petition has been rendered infructuous.

4. In view of the above, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file a fresh petition, in case, any cause survives.

5. In view of the statement made by learned counsel for the petitioner, the present petition is dismissed as withdrawn with the aforesaid liberty.

16.05.2024
monika

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No