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

CWP-16201-2015 (O&M)
Date of decision: 12.02.2024

Satish Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Yesh Paul Malik, 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 the issuance of a writ in the nature of certiorari for quashing the office orders dated 05.01.2015 (Annexure P-7) and dated 09.03.2015 (Annexure P-10) whereby the claim of the petitioner has been rejected by respondent No.2. Prayer is also made for expunging the adverse remarks recorded w.e.f. 28.10.2013 to 26.12.2013 conveyed vide communication dated 15.05.2014 (Annexure P-2).

2. Learned State Counsel has submitted that against the order dated 09.03.2015 (Annexure P-10), an appeal lies and the same is required to be filed within a period of one month from the date of the said

order and the same has not been filed by the petitioner and thus, the challenge laid to the order dated 09.03.2015 (Annexure P-10) deserves to be dismissed on the said ground alone.

3. Learned counsel for the petitioner has submitted that since the facts were intertwined thus, along with challenge to the adverse ACR, the petitioner instead of filing an appeal, laid challenge to the said order dated 09.03.2015 (Annexure P-10) in the present writ petition only and since 2015, he is pursuing the present writ petition and has prayed that the petitioner be permitted to withdraw the present writ petition with liberty to file statutory appeal against the order dated 09.03.2015 (Annexure P-10) in accordance with law within a period of one month from today. It is further prayed that the petitioner be also permitted to file a fresh writ petition laying challenge to the adverse ACR dated 15.05.2014 (Annexure P-2) as well as rejection of the representation vide order dated 05.01.2015 (Annexure P-7).

4. Keeping in view the abovesaid facts and circumstances and also the fact that the petitioner has been pursuing the present writ petition since 2015, the petitioner is permitted to withdraw the present writ petition and accordingly, the present writ petition is dismissed as withdrawn with liberty to the petitioner to file an appeal against the order dated 09.03.2015 (Annexure P-10) within a period of one month from today and in case the said appeal is filed within a period of one month from today then the Appellate Authority is directed to consider the said appeal on merits and not to dismiss the same solely on the ground of

limitation.

5. It would be open to the petitioner to file a fresh writ petition laying down challenge to the adverse ACR dated 15.05.2014 (Annexure P-2) as well as order dated 05.01.2015 (Annexure P-7) vide which representation of the petitioner against ACR has been rejected along with other prayers.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

12.02.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No