

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

133

LPA -1616-2023 (O&M)
Date of Decision: 06.11.2023

Rakesh Kumar

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr. Jai Bhagwan Sharma, Advocate for the appellant.

Mr. Deepak Balyan, Additional AG, Haryana.

AMAN CHAUDHARY, J.

1. The judgment dated 12.10.2023 is being impugned in the present intra-Court appeal, under Clause X of the Letters Patent, whereby the civil writ petition preferred by the appellant came to be dismissed.

2. Learned counsel would contend that the appellant has been wrongly relieved after having rendered three years' service as a Clerk and adequate opportunities were not granted for him to put up his defence to the notice, which provided only seven days' time to challenge the same. Learned Single Judge has not properly appreciated the submissions made on behalf of the appellant and wrongly dismissed the petition.

3. Heard.

4. It is apt to note that this Court in **Amit Kumar and others vs. State of Haryana and others**, CWP-15672-2021, decided on 25.04.2022 issued a direction that since the result was to be re-evaluated due to the laxity on part of the Commission, a fresh merit list be prepared and if the candidates already selected

do not make it to the cut off, as per the same, a show cause notice be issued to them before any adverse steps are taken.

5. It is evincible that in compliance to the aforesaid, a show cause notice was issued to the appellant as there was a mismatch in his biometrics with the record of it at the time of undertaking the written exam by him. A stipulation in the above was incorporated that on non-receipt of the reply from him within the prescribed period, it shall be construed that he has nothing to submit and shall be relieved from service.

6. In case one's livelihood is at peril and to save it, he has an opportunity, he would not wait for even a day to pass and offer an explanation, if there is one, whereas in the case at hand, despite a period of a week having been granted, none was furnished. Time and tide wait for none. The appellant thus rightly stood relieved from service, in view of which, the judgment passed by the learned Single Judge does not suffer from any illegality or perversity, warranting any intervention by this Court.

7. Dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

06.11.2023
Ankur

Whether speaking / reasoned: YES / NO

Whether Reportable: YES / NO