

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CWP-18020-2018 (O&M)
Date of decision: 08.01.2024

Dr. Arun Kumar Gupta

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. J.S. Dahiya, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondent Nos.1 to 3.

Mr. Karan Singh Sandhu, Advocate
for respondent Nos.4, 5, 7 and 9.

Mr. Rajesh Punj, Advocate and
Mr. Rohit Dhiman, Advocate for respondent No.6.

Mr. Vaneet Soni, Advocate for
Mr. Deepak Sabherwal, Advocate for respondent No.8.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuance of a writ in the nature of *quo-warranto* and directing respondent No.8 to vacate the post of Lecturer/Senior Lecturer in the Electronics Communication and Engineering Department in BPS Mahila Polytechnic, Khanpur Kalan, being ineligible for the same.

It is noticed from the order sheet that during the course of hearing on 13.03.2023, the contentions of the learned counsel for respondents No.4, 5 and 7 to 9 had been noted to the effect that the petitioner has already superannuated on 31.01.2021 and also submitted an affidavit to the respondent authorities that he would withdraw the present petition. Time was sought by the learned counsel for the petitioner to seek instructions in this regard. The matter was thus adjourned to 18.03.2023 to enable the learned counsel for the petitioner to verify as to whether such affidavit has been furnished or not. On the adjourned date, another opportunity was sought to verify the same and the case was thereafter adjourned for 21.08.2023 and on the said date yet another opportunity was prayed for the same and accordingly the hearing was deferred for today.

Today learned counsel for the petitioner does not dispute the fact that the petitioner has superannuated and had also furnished the affidavit to the respondent-authorities. He, however, contends that a similar controversy is already pending and the affidavit furnished in the present case for withdrawal of the petition should not be construed as an expression on the merits of other pending cases lest it affect the final outcome.

In view of the undisputed superannuation of the petitioner as also the affidavit to withdraw the present petition, the present petition is **disposed of as withdrawn**. The withdrawal of the present petition, however, should not be construed as an expression on the merits of the controversy involved in other case(s) and also on the final outcome of any other pending writ petition(s).

CM-13718-CWP-2023

The above application has been filed for impleading the applicant as petitioner No.2 being necessary party.

In view of the order passed in the main writ petition, the instant application for impleadment is disposed of as not pressed.

08.01.2024
Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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