



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CWP No. 31059 of 2024

Date of Decision : 19.11.2024

Dilbag Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjit Singh Bajwa, Advocate with
Mr. Manthan Pathania, Advocate for the petitioner.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the order dated 21.10.2024 (Annexure P-18) by which the petitioner has been relieved from service.

2. It may be noticed that the services of the petitioner were terminated by the respondents vide order dated 15.04.2013, which action was challenged by the petitioner in CWP No. 6658 of 2013 and keeping in view the interim order passed by this Court, the petitioner was continuing in service. In order to implement the interim order, the respondents 'withdrew' the order of termination.

3. CWP No. 6658 of 2013 was decided by this Court on 04.10.2024 on merit and the order of termination of the petitioner dated 15.04.2013 was upheld and in pursuance to the said order, the order dated 21.10.2024 (Annexure P-18) has been passed by the respondents relieving the petitioner from service. The petitioner filed a review application qua the order dated



04.10.2024 passed by this Court, which was withdrawn to challenge the order dated 21.10.2024, hence, the present petition.

4. Learned counsel for the petitioner argues that once the order of termination dated 15.04.2013 was withdrawn, the dismissal of the writ petition No. 6658 of 2013 is of no consequence, hence, the petitioner's services could not have been terminated after the decision of CWP No. 6658 of 2013 decided on 04.10.2024 hence, the order passed on 21.10.2024 (Annexure P-18) is liable to be set-aside.

5. Keeping in view the advance notice given, the State has appeared. Learned counsel for the State submits that the contention that the order terminating the services of the petitioner dated 15.04.2013 was withdrawn, is incorrect as, the same was only withdrawn keeping in view the interim order granted to the petitioner so as to allow him to continue in service and once the main petition i.e. CWP No. 6658 of 2013 was dismissed and the terms of the order dated 15.04.2013 has already been upheld by this Court, the petitioner has been relieved from service by the impugned order dated 21.10.2024 so as to implement the order dated 15.04.2013, hence, no grievance can be raised by the petitioner.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a conceded fact that in CWP No. 6658 of 2013, the order terminating the services of the petitioner dated 15.04.2013 was challenged. Interim order was granted to the petitioner and in order to allow the petitioner to continue in service in terms of interim order, the said termination order was 'withdrawn'. Ultimately, the validity of the order dated 15.04.2013 was



upheld by this Court while passing order on 04.10.2024 and the said writ petition was decided on merit holding that the order terminating the services of the petitioner dated 15.04.2013 was valid.

8. Once, the validity of the order dated 15.04.2013 has been upheld, the argument being raised by the learned counsel for the petitioner that the said order was 'withdrawn' and the writ petition i.e. CWP No. 6658 of 2013 had been rendered infructuous, is incorrect. The order dated 15.04.2013 was 'withdrawn' only to implement the interim order granted by this Court so as to allow the petitioner to continue in service. The real intention is to be seen behind the said action. The respondents contested the writ petition i.e. CWP No. 6658 of 2013 and the petitioner also argued so as to invite an order on merit qua the validity of the order dated 15.04.2013 and once, this Court has already upheld the validity of the order dated 15.04.2013 vide order dated 04.10.2024 passed in CWP No. 6658 of 2013, the argument being raised that the impugned order dated 15.04.2013 was no longer in existence, is incorrect and cannot be accepted. Impugned order dated 21.10.2024 has been passed only to implement the order dated 15.04.2013 in view of the order of this Court dated 04.10.2024.

9. No other argument is raised.

10. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

11. Dismissed.

November 19, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No