

ITEM NO.52

COURT NO.4

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).15586/2011  
(From the judgement and order dated 22/03/2011 in LPA No. 549/2011 in  
CWP No. 3646/2010 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BRAHM DEV SHARMA  
VERSUS

Petitioner(s)

STATE OF HARYANA & ORS.  
(With prayer for interim relief)

Respondent(s)

Date: 30/05/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR.JUSTICE G.S.SINGHVI  
HON1BLE MR.JUSTICE CHANDRAMAULI KR.PRASAD

[VACATION BENCH]

For Petitioner(s)

Mr.R.K. Kapoor, Adv.  
Ms. Anita Sharma, Adv.  
Mr. Anis Ahmed Khan, Adv.[NOT PRESENT]

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This is a petition for setting aside order  
dated 22.3.2011 passed by the Division Bench of  
the Punjab and Haryana High Court whereby the  
letters patent appeal filed by the petitioner  
against the order of the learned Single Judge, who  
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declined the petitioner's prayer for issue of a  
mandamus to the respondents to grant exemption  
from clearing the departmental examination in  
terms of rule 16 of the Haryana Excise and  
Taxation Department (Group B) Service Rules, 1988  
was dismissed.

After arguing the case for some time, Mr.  
R.K. Kapoor, learned counsel for the petitioner

made a request that his client be permitted to withdraw the writ petition as also the letters patent appeal with liberty to file fresh petition to challenge show cause notice dated 3.3.2011 issued by the Financial Commissioner and Principal Secretary to the Government of Haryana (Excise and Taxation Department) proposing his reversion from the post of Assistant Excise and Taxation Officer to that of Senior Scale Stenographer and raise all available points including the one that he was entitled to three chances for passing the departmental examination from the date of regularisation as Assistant Excise and Taxation Officer.

In the peculiar facts of the case, we accept the request of the learned counsel. The special leave petition is disposed of by giving liberty to the petitioner to withdraw the LPA as well as the

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writ petition and file a fresh petition.

It is needless to say that the fresh writ petition, which may filed by the petitioner shall be decided by the High Court without being influenced by dismissal of the earlier writ petition and the letters patent appeal.

(KALYANI GUPTA)  
COURT MASTER

(PHOOLAN WATI ARORA)  
COURT MASTER