




Case No.....

Serial No.	Date	Order (s) with Signature (s)
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06.	09.07.10	<p style="text-align: center;"><b>BEFORE</b>  <b>HON'BLE THE CHIEF JUSTICE</b>  <b><u>MR. JUSTICE BARIN GHOSH</u></b></p> <p>Present : Mr. A. K. Upadhyaya, Senior Advocate with Mr. Dhurba Tewari, Advocate for the petitioner.</p> <p>Mr. J. B. Pradhan, Addl. Advocate General with Mr. Karma Thinlay Namgyal, Govt. Advocate and Mr. Santosh K. Chettri, Asstt. Govt Advocate and Mr. J. K. Kharka, Advocate for the respondents.</p> <p style="text-align: center;">****</p> <p>In an earlier writ petition, petitioner challenged the charge sheet by which a disciplinary proceeding was initiated as well as the disciplinary proceeding on various grounds. While the said writ petition was pending, the present writ petition was filed, proceeding on the basis that the said disciplinary proceeding is illegal and not binding and, accordingly, petitioner is entitled to many a benefits including promotions which have been denied to him. The earlier writ petition has since been decided by this Court, in terms whereof the disciplinary proceeding has been directed to continue.</p> <p>2. In the circumstances, the very basis of the writ petition that there is no legal impediment in the petitioner obtaining the benefits sought for herein goes. In such view of the matter, petitioner has applied for leave to withdraw the writ petition with liberty to file a fresh writ</p>



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		<p>petition in the event after conclusion of the disciplinary proceeding he is denied of what he was otherwise entitled to.</p> <p>3. In the facts and circumstances of the case, the application is allowed. The writ petition stands dismissed as withdrawn. This order will not stand in the way of the petitioner to re-approach this Court to seek what he had sought for in the present writ petition after the disciplinary proceeding is decided one way or the other.</p> <p style="text-align: right;">   <b>Chief Justice</b>  <u>09.07.2010</u> </p>

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