IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

In L.P.A. No. 807 in 0f 2020

State of Haryana and Others ----------------Appellants

Versus

Gopi Ram ------------------- Respondents

Application under Section 151 of CPC for vacating the stay order dated 12.11.2020 in the above mentioned case , which was passed ex-party on the basis of wrong facts and law

Respectfully Showeth :-

1. That the above mentioned LPA is pending for hearing **3.2.2021** in this Hon,ble Court.
2. That sate of Hary applicant filed the civil suit for permanent injection with consequential relief of mandatory injection along with application u/o 39 r.1&2 but his application U/O. 39 R.1 and 2 has been dismissed by the Ld. Trial Court on 21.5.2020 on the sole ground that voluntary resignation was duly accepted at all levels. Thereafter , applicant filled the appeal against the said order before the Ld. District Judge –Jhhajjar. Ld. D.J. allowed the said appeal filled by the applicant on 4.6.2020 (Annexure P-1) and directed to the petitioner /bank to be put back to his job ,in case ,removed after 1.6.2020, with immediate effect. Than petitioner/bank compliance the said order and applicant/respondent again joined the bank service as Business Development Manager on same day i.e 4.6.2020 and worked up to 11.6.2020 i.e. ex –part order and his daily attendance marked daily manually as well as on web portal of the petitioner bank .
3. That petitioner/bank filed the above said revision petition before this Hon’ble Court against the order passed by the Ld.Distt. Judge –Jhhajjar (P-1) but petitioner/bank has not disclosed the true facts in the revision petition that applicant has been joined the service/ bank office on 5.6.2020 after passing the order dated 4.6.2020 (Annexure P-1) in his favour by the Ld. Distt. Couirt –Jhhajjar. But the petitioner bank deliberately concealed this fact before this Hon’ble Court and obtained ex-part stay order on 11.6.2020 and after this order, applicant immediately relived from the service/office on the same day i.e. 11.6.2020. True internet copy of joining and reliving (5.6.2020 to 11.6.2020) supplied by the petitioner/bank to the applicant through his email dated 12.6.2020 is annexed herewith as **Annexure R-1.** In this way ,only on this ground, ex-party stay order dated 11.6.2020 passed by this Hon’ble court should be vacated.

regarding para no 7 of the revision petition which is also wrong , it is pertinent to mention here that after reliving the applicant on 11.6.2020 from bank service and up till date no arrangement of suitable person, in place of the applicant/respondent is made out .

1. That the in the month of Feb. 2020 some false allegations were leveled upon the applicant and due to false allegations the applicant resigned from his job on 18.2.2020 through web portal of the petitioner/bank and has been given the notice of 90 days period to the bank for acceptance the same but the petitioner /bank accepted his resignation on 7/9.3.2020 than on 29.4.2020 applicant requested to the petitioner /bank to withdrawal his resignation according to prevalent circumstances but petitioner turned down his request for withdrawal of his resignation on 30.4.2020 but applicant had continued his work/job in the petitioner ,s bank up to last day of his notice period i.e. 1.6.2020 which is not dispute and admitted .
2. That according to the policy of the bank, regarding the resignation of the its employees **(Annexure P-6) where** in it is clear mentioned in para no. 12 &13 of the said policy that –

**12 \* In case your resignation is approved by your HR Manager ,you cannot withdraw your resignation online . .Please reach out to your HR Manager to initiate withdrawal if your resignation.**

**\* However , in any case ,you cannot withdraw resignation beyond the last working date recorded online.**

**13 What happens if do not serve notice period?**

* **As per the bank’s HR Policy ,every employee should serve full notice of 90 days …..**

1. That on portal of the petitioner bank, last working day of the applicant is reflected as 1.6.2020 till that he has every right to withdrawal his resignation .In this way ,only this ground also stay order dated 11.6.2020 passed by this Hon’ble court should be vacated
2. That applicant had to be relived from his job on 1.6.2020 ,he could withdraw his resignation ,any time before relinquishing his job/charge i.e. up to 1.6.2020 which was shown as his last working days on the portal . In this way ,only this ground also stay order dated 11.6.2020 passed by this Hon’ble court should be vacated.

It is, therefore, respectfully prayed that the application may kindly be allowed and ex-party stay order dated 12.11.2020 passed by this Hon’ble Court kindly be vacated in the interest of justice .

**Place:- Chandigarh SURESH AHLAWAT**

**DATED : 25.11.2020 ADVOCATE**

**Counsel for the Applicant/respondent**

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

In LPA No. 807 0f 2020

State of Haryana and others

Versus --------- Appellants

Gopi Ram

---------------- Respondent

Application u/s 151 CPC seeking exemption from filing certified copy of Annexur and for placing on record true typed copies thereof.

RESPECTFULLY SHOWETH:

1- That the applicant/respondent is filing accompanying c.m. and is sanguine of acceptance of the same on the grounds mentioned therein.

2- That the applicant/respondent has not readily available the certified copiy of Annexure which is relevant and necessary for the proper adjudication of the case. However, true photo/ typed copiy of the same is attached herewith for the kind perusal of this Hon’ble Court.

It is, therefore, respectfully prayed that the applicant/respondent may kindly be exempted from filing certified copy of anexure and allow him to place on record true typed /photo copies thereof, in the interest of justice.

Note: Affidavit is attached herewith.

CHANDIGARH

DATED:15.6.2020 (SURESH AHLAWAT)

ADVOCATE

COUNSEL FOR THE APPLICANT/RESPONDENT

IN THE HON'BLE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

In LPA No. 807 0f 2020

State of Haryana and others

Versus --------- Appellants

Gopi Ram

---------------- Respondent

Tarsham Kumar Sharma son of Sh. Chand Ram resident of 250/5,Line Paar. Johri Nagar. Bahadurgarh.Distt. Jhajjar.

I, the above named deponent, do hereby solemnly affirm and declare as under:-

That the deponent is not readily available with the certified copy of Annexure R-1 which is necessary for proper adjudication of the case.

CHANDIGARH

DATED: . .2020

VERIFICATION:

Verified that the contents of the above affidavit are true and correct to my knowledge. No part of it is false and nothing has been concealed therein.

CHANDIGARH

DATED: 2020

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

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Versus --------- Appellants

Gopi Ram

---------------- Respondent

Tarsham Kumar Sharma son of Sh. Chand Ram resident of 250/5,Line Paar. Johri Nagar. Bahadurgarh.Distt. Jhajjar.

I, the above named deponent do hereby solemn affirm and declare as under:-

1. That the contents of Para 1 to of C.M. are true and correct to the deponent’s knowledge and believed to be true being based on legal advice.

2. That no such or similar c.m. has earlier been filed by the petitioner either in this Hon,ble High Court or before Supreme Court of India.

CHANDIGARH

DATED: 11 .2020

VERIFICATION:

Verified that the contents of the above affidavit are true and correct to the deponent’s knowledge. Nothing relevant has been concealed or mis-stated therein. No part of it is false.

CHANDIGARH

DATED: .11 2020

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.M. No. of 2020

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**Now fixed for 3.2.2021**

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Note :- similar case : no

CHANDIGARH ( SURESH AHLAWAT )

DATED : 25.11.2020 ADVOCATE

Counsel for the Applicant/respondent

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

CHANDIGARH ( SURESH AHLAWAT )

DATED : 25.11.2020 ADVOCATES

COUNSEL FOR Applicant/respondent