

CWP No.10425 of 1997

MUKESH KUMAR SALUJA
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**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.10425 of 1997
Date of decision:08.01.2015**

Jasmer Singh

...Petitioner

Versus

Managing Director, Uttar Haryana Bijli Vitran Nigam and others.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Rohtash, Advocate for
Mr.S.S.Dinarpur, Advocate for the petitioner.

None for the respondents.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus.

Learned counsel for the petitioner submits that when the grievance of the petitioner was not being redressed, he finally approached the respondent authorities, by way of legal notice dated 6.1.1997 (Annexure P-5) and when no action was taken thereon, he was left with no other option except to approach this Court by way of instant writ petition. He submits that the grievance of the petitioner has not been redressed so far. He further submits that petitioner will be satisfied in case respondent No.1 is directed to look into the matter and pass an appropriate order after considering the grievance of the petitioner raised in the above-said legal

notice.

Notice of motion was issued and respondents were duly served. Learned counsel for the respondents appeared on 11.9.1997 and sought time to file reply. However, on the next date of hearing, i.e. 22.10.1997 none appeared on behalf of the respondents nor any reply was filed. The writ petition was admitted for regular hearing and was ordered to be heard within one year.

During the pendency of this writ petition, services of the petitioner were allocated to Uttar Haryana Bijli Vitran Nigam-respondent No.1. However, neither anybody has come present on behalf of the respondents nor any reply has been filed so far. In view of the nature of controversy involved, there is no justification in keeping this matter pending any further.

Having heard the learned counsel for the petitioner and without expressing any opinion on the merits of case, lest it should prejudice the rights of either of the parties, the Managing Director, Uttar Haryana Bijli Vitran Nigam-respondent No.1, is directed to look into the matter and consider the grievance of the petitioner raised by him vide his legal notice dated 6.1.1997 (Annexure P-5), which prima-facie seems to be genuine and pass the final order thereon, strictly in accordance with law, but in any case within a period of three months from the date of receipt of a certified copy of this order.

Respondent No.1 is further directed that before deciding the case, he shall issue notice to the petitioner. Petitioner shall also be permitted to supplement his legal notice dated 6.1.1997 (Annexure P-5) by submitting any representation or fresh legal notice, if so desires. It is also

made clear that if the petitioner is found entitled for any of the relief being claimed by him, the actual benefit thereof shall be released in favour of the petitioner without any further loss of time and in any case within a period of one month from the date of final decision taken by respondent No.1.

It goes without saying that if the petitioner does not feel satisfied by the order passed by respondent No.1, he shall be at liberty to seek appropriate remedy, in accordance with law.

With the abovesaid observations made and directions issued, the present writ petition stands disposed of.

08.01.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE