

IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANDIGARH

CWP-6271-2001

Date of Decision: January 28, 2015

S.R.Madan

.....Petitioner

vs.

The State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present Mr.Suvir Sehgal, Advocate for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK, J(Oral)

Feeling aggrieved against the alleged inaction on the part of the respondents, while not considering the services rendered by the petitioner with his earlier employer, the petitioner has approached this Court by way of instant writ petition under Article 226/227 of the Constitution of India seeking a writ in the nature of Certiorari as well as writ in the nature of Mandamus.

Learned counsel for the petitioner, at the very outset, fairly states that he does not intend to press this writ petition for a writ in the nature of certiorari, for the time being. He further submits that although petitioner filed his appeal dated 07.01.2000 (Annexure P13), yet he seeks liberty on behalf of the petitioner to submit a detailed and comprehensive legal notice on behalf of the petitioner to the competent authority i.e respondent no.1 and he may be directed to consider and decide the same within a reasonable time. He further submits that at earlier point of time, when the order Annexure P7 was passed, petitioner did not rely upon UGC guidelines on the subject because of which respondent no.2 did not consider this aspect of the matter.

Faced with the above, learned counsel for the respondent/State,

despite his best efforts having been made, could not deny the correctness of the statement made by learned counsel for the petitioner and rightly so because the claim of the petitioner on the basis of UGC guidelines was neither put up before the competent authority nor it was heard. He further submits that let the petitioner submit a comprehensive legal notice to the competent authority i.e respondent no.1 who shall proceed and decide the same within a reasonable time.

In view of the above said respective stands taken by the learned counsel for the parties, the present writ petition is disposed of with liberty to the petitioner to approach respondent no.1 by moving a comprehensive legal notice within a period of six weeks' from today and the Financial Commissioner, Department of Higher Education, Haryana – respondent no.1 is directed to look into the matter, consider the grievance to be raised by the petitioner in his legal notice and decide the same at an early date by passing an appropriate order, thereon, strictly in accordance with law but in any case within a period of three months from the date of receipt of legal notice from the petitioner.

It is also made clear that while considering the claim of the petitioner, respondent no.1 shall not deny the same only on the ground of delay because the present writ petition has been pending decision before this Court.

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

28.01.2015
mamta

(RAMESHWAR SINGH MALIK)
JUDGE