

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**Civil Writ Petition No.1497 of 2013
Date of decision: 27.04.2015**

Inspector Sat Narain

....Petitioner

versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Sat Narain Yadav, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constituion of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 21.05.2009 (Annexure P-6) whereby the representation filed by the petitioner has been rejected without assigning any reason. A further prayer has also been made for issuance of a writ in the nature of mandamus directing the respondents to give benefit of seniority to the petitioner over and above his juniors along with all consequential benefits.

Learned counsel for the petitioner submits that the petitioner moved many representations and the impugned order has been passed on the representation which was filed six years earlier to the date of passing of the impugned order. Learned counsel also submits that the issue of seniority has also not been decided.

Learned State counsel submits that the present petition is liable to be dismissed on the ground of un-explained delay, but learned State counsel has not been able to show anything as to why the representation was kept pending for such a long time.

A perusal of the impugned order shows that simply it has been mentioned that the representation filed by the petitioner has been considered and is rejected. Thereafter, legal notice was also served upon the respondents but the same has not been decided so far. Not only delay is there in deciding the representation but while rejecting the same, no reason whatsoever has been mentioned.

Learned counsel for the petitioner also submits that the petitioner is satisfied, in case, a direction is issued to the respondents to pass a detailed speaking order and he would not claim the salary, if seniority is refixed.

Keeping in view the limited prayer of the petitioner and also the fact that no reason whatsoever has been mentioned in the impugned order, the present petition is disposed of with a direction to the respondents to pass a detailed speaking order with regard to rejection of his claim and also fix his seniority within a period of 03 months from the date of receipt of certified copy of this order.

In case, the petitioner is found to be entitled, the same relief be granted to him within a period of 02 months thereafter.

In case, the petitioner is still aggrieved in any manner, he is at liberty to challenge the same.

(DAYA CHAUDHARY)
JUDGE

April 27, 2015
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