

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

Civil Writ Petition No.16343 of 2013

Date of decision: 26.11.2015

Pishaura Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Madhav Pokhrel, Advocate,
for the petitioner.

Mr.Vaibhav Sharma, DAG, Punjab.

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

RAJIV NARAIN RAINA, J. (Oral)

The letter dated 20.5.2013 written by the Superintendent [Establishment], Office of the District Education Officer [SE], Ludhiana to the Principal/Headmaster, GHS Malla [Ludhiana] a copy of which is placed at P-12 is not endorsed to the petitioner. It is an inter office communication of which the original lies in the government record. Since the order has not been communicated to the petitioner, it cannot be treated as adverse to him and to make this petition maintainable against a non-communicated order.

Neither has the Principal/Headmaster passed an order in writing duly communicated to the petitioner that recovery is going to be effected

from his salary. It is also not known as to how the order has been authenticated as true copy by the Advocate who signed the same at page 41 on the judicial file without comparing it with the original. It is not stated in the body of the petition that it has been obtained under the Right to Information Act, 2005 nor has it been explained as to how it has come into the hands of the petitioner. Therefore, the claim cannot be found on a document which is not communicated and has no legal effect unless conveyed.

Therefore, the petition is pre-mature and is dismissed as such. However, this order will not preclude the petitioner from approaching this Court again, in case an adverse order is passed against him with respect to recovery of money mistakenly given to him in the past and is duly communicated.

(RAJIV NARAIN RAINA)
JUDGE

November 26, 2015
Paritosh Kumar