

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

Date of decision: 01.12.2016

CWP No.24756 of 2016

Rakesh Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Raj Kapoor Malik, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner's case for absorption has been hanging fire since a long time. After bifurcation of the Department, the petitioner was by an administrative order sent to the Food and Drugs Administration Department from the office of the Civil Surgeon, Kaithal. The bifurcation took place on 29.08.2011. However, the petitioner avers that he is still serving in the office of the Civil Surgeon, Kaithal despite the transfer order passed 5 years ago. His case papers have been shuttling between the two Departments without any resolution in sight.

Learned counsel prays that in these circumstances the respondents should be directed to take a final decision on the petitioner's case for absorption keeping in view Annex P-4 & P-5.

The request appears to be fair and deserving to accelerate the process of decision-making. The petitioner has a right to a final decision within a reasonable time so that he knows where he belongs. The delay in this case cannot be said to be reasonable, and on the other hand it is rather unreasonable.

Accordingly, a direction is issued to the respondents to take up the case of the petitioner for absorption immediately, pass a final order after hearing him, if required. Hearing would be necessary in case the order adverse to the interest of the petitioner is contemplated otherwise the petitioner's right can be regulated by office orders duly conveyed to him and implemented speedily. Because of the indecisiveness of the authorities in the two Departments, the petitioner has been ignored for promotion to higher post for which he is not at fault. In case, he is absorbed from the due date, then his case for promotion from the date his juniors were promoted be also taken up, considered and decided and the benefits found due passed on. Let the entire exercise be done within a period of three months from the date of receipt of certified copy of this order.

With these observations and directions, the instant petition stands disposed of.

01.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*