

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26825 of 2016

Date of decision:22.12.2016

Karambir

... Petitioner

Versus

State of Haryana and others

..Respondents.

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sandeep Singal, Advocate for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

Petitioner first should raise a dispute with the Competent Authority charged with the duty of redressing his grievance, before he can approach the writ Court directly, mere serving of a legal notice without first raising a dispute directly with the decision making Authority, would not be enough to ignite the jurisdiction of this Court. In this case, the petitioner has directly served a legal notice dated 9.3.2016 upon four respondents. The second last of which is said to have been replied to vide memo dated 6.5.2016.

This reply cannot be treated as an order of the Competent Authority binding on the rights of the petitioner and therefore, this petition has not been filed against any impugned order passed by the Competent Authority declaring the rights of the petitioner adverse to his interest. Request is for granting of ACP scales on completion of 10 and 20 years of service, the dates claimed in this petition are 01.02.2006 and 01.02.2016 respectively.

So far as the reply to the legal notice is concerned, it has been observed by me that they are not final orders declaring rights and binding parties in *CWP No.25342 of 29016 titled as Satish Kumar and others Vs. Kurukshetra University, Kurukshetra and another and Kailash Devi Vs. State of Punjab 2016(2) SCT 216.*

Accordingly, this petition is disposed of with liberty to the petitioner to express his grievance before the competent authority and in

case such representation is filed, call it by whatever name; a request, memorial or legal notice, the competent authority would decide the grievance by passing a speaking order. If the order is against the interests of the petitioner, he is at liberty to challenge it.

(RAJIV NARAIN RAINA)

JUDGE

22.12.2016

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable:</i>	<i>Yes / No</i>