

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9911 of 2017

Date of Decision:-10.05.2017.

Lekh Raj

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.P. Dangi, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has sought for a direction to the respondent-Corporation to continue his service in the existing capacity till the post against which he is working is filled up by regular appointment. The concerned selecting or appointing authority has not taken any action to fill up the post of Driver in the respondent-Corporation. Therefore, the petitioner has no cause of action as on today. Moreover, the petitioner has not submitted representation. In the absence of representation both for continuation of his service as well as for payment of salary, the petitioner is not entitled for writ of mandamus or direction. In the case of **Mani Subrat Jain etc. Vs. State of Haryana and others reported in 1977 (1) SCC 486** it was held that unless and until a right is created under a statutory provision followed by demand, no writ of mandamus could be issued. Therefore, the petitioner has not made out a case so as to seek for

writ of mandamus.

Learned counsel for the petitioner relied on interim order granted in CWP No.1133 of 2015. The same is not binding on the present case for the reasons that facts of the case have not been taken note of whether the petitioner has demanded his claim before the competent authority for the purpose of seeking writ of mandamus. Hence, the interim order granted in CWP No.1133 of 2015 dated 22.1.2015 is distinguishable for the present petition.

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

May 10, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.