

**118/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 10208 of 2018
DECIDED ON: APRIL 26, 2018**

KANWAR PAL

.....PETITIONER

VERSUS

HARYANA POWER GENERATION CORPORATION LTD AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

JASPAL SINGH, J(ORAL)

Through instant petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of certiorari for quashing letter dated 20.03.2018 (Annexure P-10) whereby relief claimed by the petitioner for regularization of his services as Cleaner and granting him pay of regular employee w.e.f. 01.01.1988 instead of 10/1991 has been declined, being arbitrary and passed by incompetent authority.

2. The contention of learned counsel for the petitioner is that similarly situated employee namely Bhagirath Singh has already been granted the benefit vide order 29.12.2009 (P-7) whereas in the instant case similar benefit claimed through legal notice dated 08.01.2018 (Annexure P-9) has been declined by Resident Engineer i.e. an incompetent authority on behalf of respondents No. 1 to 3, simply on the ground that it suffers from delay and laches.

3.

The petitioner retired from service on 31.07.2016 and subsequent

thereto, he approached the department and ultimately, served legal notice dated 08.01.2018 (Annexure P-9). Moreover, the Resident Engineer cannot be termed to have the jurisdiction of appointing or punishing authority. He is simply a Drawing and Disbursing Officer. Since the Resident Engineer is not a competent and authorized officer to take a decision with regard to the benefit claimed by the petitioner from respondents through legal notice, the decision taken vide letter dated 20.03.2018 (Annexure P-10) is erroneous.

3. In the given circumstances, legal notice deserves to be reconsidered, that too, by the competent authority i.e. Chief Engineer, Haryana, Power Generation Corporation Ltd., DCRTTP, Yamunagar (Haryana)-respondent No.2.

4. Without expressing much, the instant petition is disposed of with the direction to respondent No.2-Chief Engineer, Haryana, Power Generation Corporation Ltd., DCRTTP, Yamunagar (Haryana) to look into the grievances unfolded by the petitioner in his legal notice dated 08.01.2018 (Annexure P-9) and take a conscious decision in accordance with rules, regulations and instructions issued by the department as well as the orders passed in the similarly situated employees, that too, by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner feels aggrieved qua any order passed by the concerned authority, he shall be at liberty to approach this Court.

APRIL 26, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*