

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

**CWP No.2784 of 1996 (O&M)
Date of decision:10.07.2019**

Ram Chander

.....Petitioner

Versus

State of Haryana and others

....Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

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

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. Walia, J. (Oral)

1. Pursuant to order of this Court dated 31.10.2018 and 22.11.2018, affidavit of Sh. Rajiv Prashad, Deputy Secretary to Govt., Haryana, School Education Department, Haryana, Panchkula dated 31.1.2019 was filed on behalf of respondent Nos.1 to 3. Although on 18.12.2018, Sh. Sandeep Verma, Advocate had filed Memo of Appearance on behalf of the petitioner, however, today none is present on behalf of the petitioner. Since the case is of the year 1996, I am not inclined to adjourn the case any further.

2. Prayer in the writ petition is for the issuance of a writ in the nature of Mandamus directing respondent Nos.1 to 3 to allow the petitioner to join duty on the post of Assistant from the date on which the petitioner was relieved from the Department of Social Defence and Security Haryana and to pay him salary and other benefits in view of his having worked as officiating

Assistant in the office of Department of social Defence and Security, Haryana.

3. A perusal of the affidavit filed on behalf of respondent Nos.1 to 3 reveals that the Education Department allowed the petitioner to join Govt. High School, Rohdai (Rewari) vide order Memo No.9/27-87 ME(3) dated 18.3.1996 as a Clerk, whereafter enquiry was conducted in respect of two charge-sheets issued to the petitioner under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987 on 3.8.1993 and 23.1.1995 regarding willful absence from duty for 285 days, misappropriation of Govt. money of ₹894/-, ₹1154/- and ₹1000/- during the year 1990 to 1991 as also qua disobeying orders of the immediate superiors and not handing over the entire record to the office while proceeding on leave from 19.8.1994. The enquiry report was submitted on 30.10.1998 in the Social Welfare Department and on 19.11.1998 in the Education Department whereupon show cause notice dated 1.7.1999 was issued to the petitioner by the Education Department but the petitioner did not respond to the said show cause notice Annexure A. Consequently orders were passed withholding two annual increments of the petitioner with cumulative effect vide order dated 8.6.2000. Thereafter, the petitioner retired from service as Clerk from Govt. High School, Ramgarh Bhagwanpur (Rewari) on 30.4.2011.

4. The writ petition is of the year 1996. The petitioner was allowed to join in the Education Department on his repatriation from the Department of Social Defence and Security Haryana on the post of clerk i.e. the post from which he had been transferred to the Department of Social Defence and Security, Haryana. Enquiry initiated against the petitioner on the basis of two chargesheets issued to him while he was serving the Department of Social

Defence and Security Haryana resulted in passing of order Annexure A-1 dated 8.6.2000 by the competent Authority in Education Department withholding his two annual increments with cumulative effect. Besides, the petitioner retired as Clerk from Govt. High School, Ramgarh Bhagwanpur (Rewari) on 30.4.2011. No useful purpose would be served by keeping the writ petition alive.

5. In the circumstances, the writ petition is disposed of as not calling for any further orders in view of the petitioner having been allowed to join the Education Department on 18.3.1996 as Clerk and having retired from the said Department on 30.4.2011 as Clerk.

July 10, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No