IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26830 of 2019 (O&M)
Date of Decision.20.09.2019

Bhupener Singh and another ...Petitioners

Vs

State of Haryana and others ...Respondents

Present: Mr. Rajesh K. Kataria, Advocate
for the petitioners.

Mr. Amit Rao, Advocate
for the University.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Grievance of the petitioner in the present petition is for quashing of the order dated 18.07.2019 (Annexure P-18) whereby request of petitioners to include them in the seniority list of Lab Technicians working in Pt. B.D. Sharma, University of Health Sciences, Rohtak and consider for promotion, has been rejected without taking into consideration the detailed representation.

Mr. Rajesh K. Kataria, learned counsel appearing on behalf of the petitioners submitted that initially petitioner No.1 was given appointment in the Department of Obstetric and Gynaecology by fixing his pay in the pay band of Rs.5200-20200+2800 Grade Pay vide order dated 23.06.2011 (Annexure P-6) but was transferred to Psychiatry Department on 25.07.2011. In 2014, the State Government decided to close down the society, which was created initially for the management of State Institute of Mental Health, Rohtak and reconstituted committee for supervision and monitoring for State Mental Health Authority. The Government of Haryana, Department of Medical Education and Research issued a

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notification dated 03.03.2016 informing that the Department of Psychiatry in Pt. B.D. Sharma University of Health Science, Rohtak is upgraded to the status of Institute of Mental Health under unified command and control of University incorporating all the components related to medical health including the State Institute of Mental Health, Rohtak. Though the petitioners were given appointment in the year 2011 but their names were not inserted in the seniority list of Lab Technician of University. Accordingly, submitted a detailed representation dated 12.05.2017 (Annexure P-13) to respondents No.5, 6 and 8 through proper channel. Petitioners have been discriminated neither any allowances were given as compared to Lab Technicians in other departments of the University. Many meetings of the Steering Committee for Monitoring, Supervision and Control of the State Institute of Mental Health, UHS, Rohtak have been held but no action was taken, constraining them to file another representation dated 04.05.2019 (Annexure P-16) and the reminder (Annexure P-17), however, vide impugned order same have been rejected.

Notice of motion.

Mr. Amit Rao, Advocate, who is present in court, accepts notice for the respondent-University.

Learned counsel for the petitioner submits that the impugned order is bereft of any reasoning.

Learned counsel appearing for the University did not dispute contents of the impugned order, which sans any reflection of reasoning to averments made in the representation regarding claim of petitioners. For the sake of brevity, relevant portion of impugned order is reproduced as under:-

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"The matter has been considered by authority and it is decided that your request regarding seniority list of Lab Technician of Pt. B.D. Sharma UHS, Rohtak and Lab Technician of SIMH cannot be acceded to as the State Institute of Mental Health is covered under a scheme."

In view of aforementioned circumstances, the impugned order is quashed and respondent University is directed to take a decision on representation of petitioners afresh within a period of two months from the date of receipt of certified copy of this order and pass a speaking order thereon in accordance with law.

The writ petition stands disposed of in above terms.

(AMIT RAWAL)
JUDGE

September 20, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No

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