

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

**CWP No.31141 of 2019
Date of decision:29.10.2019**

Sham Lal

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Shish Pal Laler, Advocate
for the petitioner.

AMIT RAWAL J.

Prayer in present writ petition is for quashing of the orders dated 01.10.2019 (Annexure P-8) and 15.03.2019 (Annexure P-6) whereby request of petitioner for reversion/re-posting on his technical post of Painter has been rejected by the Director General of Police, Haryana.

Controversy involved in present case is that petitioner on 18.12.1989 was appointed as Painter (Class IV employee) in the pay scale of Rs.775-12-955-14-1025 on temporary post sanctioned by Haryana Government vide letter dated 24.11.1989. On 30.10.2010, he was ordered to be promoted as Clerk and posted in the Welfare Branch, Police Headquarter Haryana, Panchkula.

Mr. Shish Pal Laler, learned counsel appearing on behalf of the petitioner submitted that he made a request for reversion to the post of Painter as technical pay scale of Painter was higher than that of Clerk but no decision was taken till 08.10.2018 and thereafter, though petitioner was not

aware of the decision of legal notice dated 15.03.2019 (Annexure P-6), petitioner approached this Court vide CWP No.20196 of 2019 which was disposed of by this Court, vide order dated 24.07.2019. Vide order dated 01.10.2019 (Annexure P-8) rejected the case of petitioner assigning the same reasons as was taken in response to legal notice. The petitioner was expert in technical work of painter and had worked on the post of Painter almost for 21 years and thus, it is much easier for him to perform the duties of Painter than that of Clerk. No doubt, he was promoted as Clerk as he was possessing the qualification of Matriculation but pay scale of Painter is higher than that of Clerk. Some persons like painter and Masson have been reverted to the original technical post, thus, information under Right to Information Act was sought. The impugned order rejecting the claim of petitioner suffers from delay and laches but such reasons are not sustainable and do not bring any succour as the respondents had not given any reasons rejecting the case of petitioner till October 2018.

I have heard learned counsel for petitioner, appraised paper book and of view that though petition outrightly deserves to be dismissed on account of concealment of facts by the petitioner not apprising the counsel regarding his rejection on 14.10.2011. There was no cause of action for the petitioner again to make a similar request against rejection in 2018. No explanation has come forth in not assailing the order dated 14.10.2011. The reasoning assigned in the order does not enable this Court to exercise judicial review differ from the reasoning assigned particularly when petitioner during all this period had been discharging the duties of Clerk.

Dismissed.

(AMIT RAWAL)
JUDGE

October 29, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No