

109

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

**CWP No.12628 of 2020
Date of Decision: 25.08.2020**

SATISH KUMAR (KAKKAR)

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ravi Dutt Sharma, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this writ petition for the issuance of appropriate writ, order or direction especially in the nature of certiorari for quashing order dated 16.10.2017 passed by respondent No.2, whereby powers of the Drawing and Disbursing powers of Block Education Officer, Siwan were delegated to respondent No.4, who is junior to the petitioner.

Perusal of the record would show that all District Education Officers were having delegated powers for authorizing senior most principals of the Block to exercise the

Drawing and Disbursing Powers of respective Block, when the post of Block Education Officer is vacant, till regular incumbent is posted against these vacancies by way of promotion/transfer/adjustment/deputation on certain terms and conditions. Only senior most principal of the Block was to be granted DD Power of Block Education Office. There cannot be any disciplinary action pending against the officer to whom DD Powers are to be granted.

The petitioner being the senior most was offered delegation of Drawing and Disbursing Powers due to the vacant post of Block Education Officer, Siwan. Petitioner was asked to have those powers, but the petitioner refused in writing to take additional charge. It was only thereafter, Drawing and Disbursing Powers of Block Education Officer were given to junior principal of Block Education Office i.e. respondent No.4 namely Sudersan Sharma, Principal GSSS Siwan (Kaithal), who was authorized to exercise the powers of Drawing and Disbursing Officer in respect of Block Education Officer, Siwan in addition to his present duties in his own pay scale vide order dated 16.10.2017.

The aforesaid order is being assailed in the present writ petition after about 2 years and 10 months on the ground that at the time of refusal, the petitioner was having indifferent health

and now he is fit to bear the burden of additional charge of Drawing of Disbursing Officer.

The present writ petition suffers from delay. There is no allegation that the new incumbent i.e. respondent No.4 is not discharging the duty of Drawing and Disbursing Officer to the satisfaction of his superiors. Evidently, there is no complaint against respondent No.4 and he has not misconducted in any manner.

Petitioner has already foregone his right on the basis of seniority to be appointed as Drawing and Disbursing Officer. It was only on his refusal, respondent No.4 was appointed as such and he is performing his duties to the entire satisfaction of his superiors. The petitioner cannot be permitted to choose his line of action as and when he wishes to do so.

In view of above, this writ petition is found to be totally devoid of merits and is accordingly dismissed.

August 25, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No