

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

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**CWP No.13883 of 2020
Decided on : 08.09.2020**

Vazir Singh

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Amit Khari, Advocate for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus by directing the respondent No.2 to decide the representation dated 03.07.2020 (Annexure P-4), whereby no action has been taken on the grievance of the petitioner. Similarly, quashing/setting aside of the notice/order dated 28.08.2020 (Annexure P-7) is prayed for, whereby the petitioner was asked to hand-over the keys to Suresh Kumar (AFM), since the petitioner was not reporting since 05.08.2020. Prayer is also made to stay the proceedings as such from taking charge from the petitioner.

A perusal of the representation would go on to show that the petitioner is working as JE as such has given the complaint against his senior the S.D.O. Incharge. Resultantly, he filed the present writ petition.

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Counsel for the petitioner could not demonstrate that what is the statutory legal right, on the basis of which a writ of mandamus can be issued to decide the representation. It is the settled principle that a writ of mandamus can only be issued where there is a statutory legal right or a public duty compelling the authority to decide such a representation. The Court cannot as such take over the functioning of the department, which is Uttar Haryana Bijli Vitral Nigam Ltd., regarding the issuance of material from the store. It is the apparent attempt by the petitioner that his service conditions have to be monitored by this Court.

In the opinion of this Court, the present writ petition is mis-conceived and not maintainable and is, accordingly, dismissed in limine.

SEPTEMBER 08, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No