

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

**CWP-17277-2020 (O&M)
Date of Decision:18.11.2020**

Falel Singh

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Goyat, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
for respondents No.1 to 4.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

In view of the order that this Court intends to pass, there would be no requirement for seeking a written response on behalf of the State.

Suffice it to take note that the petitioner had set up a claim for ante-dated promotion in the rank of Head Constable and consequent re-fixation of seniority at the appropriate place. Such claim stands rejected vide order dated 03.04.2020 (Annexure P-8) which is a subject matter of challenge in the instant petition.

The impugned order has been issued by the Inspector General of Police, Hisar Range, Hisar and addressed to Superintendent of Police, Hisar for further information/communication to the petitioner.

The order reads in the following terms:

“Application/representation dated 19.03.2020 submitted by HC Falel Singh No.891/HSR for fixation of seniority in the rank of Head Constable has been considered and filed being devoid of any merit. He may be informed accordingly under proper receipt.”

The impugned order is a cryptic non-speaking order. It is by now well settled that administrative orders declining any service benefit ought to assign reasons.

Learned State counsel is also at pains to justify the passing of such an order rejecting the claim of the petitioner and by not assigning any reason whatsoever.

As such, without even opining on the merits of the case, the impugned order dated 03.04.2020 (Annexure P-8) is set aside. Matter is remanded back to the 3rd respondent i.e. the Inspector General of Police, Hisar Range, Hisar to consider the claim of the petitioner and to pass a reasoned order in accordance with law by affording to him an opportunity of personal hearing.

Such exercise be completed within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

18.11.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |