

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

113

**CWP No.9779 of 2021
Decided on : 28.06.2021**

Dinesh Raghav

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Mohammad Arshad, 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 directing the respondents to consider his case under Mewat Cadre by treating the service rendered by him from the date of his appointment i.e. 12.06.2012. The claim is made on the basis of the Mewat District School Education (Group B) Service Rules, 2012.

It is the case of the petitioner that vide order dated 20.11.2012 (Annexure P-1) he was appointed as Lecturer English HES-II (School Cadre) in Government Senior Secondary School and posted at Ferojpur Namak (Mewat Rural). It is in pursuance of the same he seeks the benefit as such of the policy framed by the State in the year 2012. It is his case that he has filed a representation dated 12.11.2020 (Annexure P-6) with respondents No.2 & 3 regarding the said claim.

Counsel has argued that the petitioner as such had been transferred out of Mewat, which he had challenged by filling CWP No.29188 of 2019, in which directions had issued to decide his representation dated 30.09.2019, vide order dated 04.10.2019 (Annexure P-2).

In pursuance of said directions respondent No.2 had rejected his case on 19.11.2020 (Annexure P-3).

Notice of motion.

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-2-

Ms. Kirti Singh, DAG, Haryana accepts notice on behalf of the respondents. Soft copy of the paper-book be supplied to her during the course of the day. She submits that as per the Rules an option had to be given within 3 months once the rules came into force, but the same was not done. However, since representation is pending, this Court is of the opinion that without commenting upon the merits of the case as such, the writ petition is liable to be disposed by asking the respondent No.2 to decide the issue.

Accordingly, the present writ petition is disposed off by directing the said respondent to decide the representation dated 12.11.2020 (Annexure P-6) within a period of 8 weeks from the receipt of the certified copy of this order. The said respondent shall also treat the writ petition as a representation in case copy of the representation has not been received.

Disposed of.

June 28, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No