

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

CWP-15023-2021

Date of Decision: 09.08.2021

Gurpreet Singh

...Petitioner

Versus

State of Haryana and ors

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jagjit Singh Gill, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.
(Presence marked through Video Conference)

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ARUN MONGA, J. (ORAL)

Petitioner, herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash the impugned order dated 07.01.2021 (Annexure P-6) vide which services of petitioner have been terminated.

2. Learned counsel for the petitioner submits that petitioner was selected under ESP Quota after due selection process and he was also issued appointment letter dated 21.01.2019 (Annexure P-2) for the post of Electrical Helper Group 'D' Post.

3. He further submits that Chief Secretary, Government of Haryana issued a letter dated 24.07.2019 and instructions dated 10.11.2020 (Annexure P5) instructing that all selected and appointed group 'D' sports candidates are required to submit revised sports gradation certificates by 31.12.2020, duly issued in terms of the new policy dated 25.05.2018 (Annexure P3). Petitioner was issued sports gradation certificate on 15.04.2021 and he could not thus submit the same within the prescribed

period. In the interregnum, services of the petitioner were terminated vide order dated 07.01.2021 (Annexure P6) for no fault of his.

4. Learned counsel for the petitioner submits that other writ petitions involving same questions of law and fact are pending adjudication before this Court as reflected from orders passed therein at Annexures P-9 to P-12. He seeks interim protection on the impugned termination order on parity with the similarly situated petitioners in the aforesaid pending writ petitions. He further contends that as per Chief Secretary, Government of Haryana, circular instructions dated 10.11.2020 (Annexure P-5), the department was under obligation to intimate the petitioner to submit the revised sports gradation certificate, whereas the petitioner was not sent any written communication for the needful. However, the petitioner applied for the revised sports gradation certificate on 25.12.2020, well before the date of submission of the same (31.12.2020) upon receipt thereof. Notwithstanding, the revised certificate was not provided to the petitioner by the competent authority and the same was received belatedly on 15.4.2021 for no fault of the petitioner. On the other hand, his services have been terminated ostensibly on the ground that he did not submit the revised certificate.

5. Learned State counsel, on advance service, joins proceedings and opposes the petition on the ground that case of the petitioner is still pending with competent authority for taking an administrative decision on the same.

6. At this stage, learned counsel for the petitioner states that let a final decision be taken, either way, by the competent authority by treating the writ petition as a representation, giving reasons thereof.

7. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

8. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner and also by keeping in view the contentions raised in the present petition by treating the same as a representation and take a decision, in accordance with law.

9. Let the needful be done expeditiously, but not later than 30 days from today, since the petitioner continues to be out of job since January, 2021. In case favourable order is passed, the petitioner's services shall be restored forthwith.

10. Disposed of accordingly.

(ARUN MONGA)
JUDGE

09.08.2021

Vandana/vs

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No