

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

CWP-21462-2021

Date of Decision: 28.10.2021

HARISH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *mandamus* directing the respondent-department to promote him on the post of Private Secretary with all consequential benefits.

2. Learned counsel for the petitioner submits that qua his grievance, the petitioner had earlier also approached this Court vide writ petition bearing **CWP-9165-2021**. Same was disposed of vide order dated 29.04.2021 with a direction to the authority concerned to take a decision on the pending representation. However, the authority concerned i.e. the State Chief Information Commissioner, simply passed an order to the effect that being not the competent authority case cannot be decided by him. Competent authority is the Government and even all the records are lying in their office. Learned counsel further submits that qua his aforesaid grievance, petitioner submitted another representation dated 26.08.2021 (Annexure P-13), but to no avail. Hence, the instant petition.

3. Learned State counsel, on advance service, joins proceedings and states that the competent authority i.e. respondent No.1 shall take

appropriate decision on the pending representation dated 26.08.2021 (Annexure P-13).

4. At this stage, learned counsel for the petitioner also agrees that let a final decision is taken, either way, by the competent authority i.e. respondent No.1 on the pending representation dated 26.08.2021 (Annexure P-13), giving reasons thereof.

5. 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.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent No.1 to look into the grievance of the petitioner as per representation dated 26.08.2021 (Annexure P-13) and also by keeping in view the contention raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.

7. Let the needful be done by passing a speaking order as expeditiously as possible but not later than four months.If a favorable order is passed, further process be initiated within 30 days thereafter.

8. Disposed of accordingly.

October 28, 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No