

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

CWP-1961-2022

Date of decision: 03.02.2022

VISHNU KUMAR

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.K. Malik, Advocate,
for the petitioner.

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

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ARUN MONGA, J. (ORAL)

Petitioner seeks issuance of a writ in the nature of mandamus directing the respondents to confirm his services on completion of probation period from 29.10.1992 or with effect from the date when the services of his juniors were confirmed.

2. Services of petitioner as Sanskrit Teacher, initially hired on 11.11.1988, were regularized in March 1991. Subsequently, he was appointed as Lecturer (School Cadre) in the Haryana School Education Department on 18.10.1991. Accordingly, he completed probation period of one year on 29.10.1992. He worked continuously in education department up to 06.01.2004. Thereafter, petitioner joined on the post of Assistant Excise and Taxation Officer on 07.01.2004. Despite petitioner having served for sixteen years, his services were not confirmed in the School Education Department. While the other employees, who are junior to the petitioner, were confirmed by the respondent Department in the year 2009 vide an order dated 21.04.2009. Learned counsel further submits that even other left out employees, whose services were earlier not confirmed in the order dated 21.04.2009, their services were also confirmed vide a later order dated 08.07.2009.

3. Petitioner qua his aforesaid grievance, submitted a representation followed by legal notice dated 16.11.2021 (Annexure P-7), but to no avail. Hence, the instant petition.
4. Notice of motion.
5. On advance service, learned State counsel joins proceedings and accepts notice on behalf of the respondent-State of Haryana and seeks time to file reply.
6. At this stage, learned counsel for the petitioner submits that let a final decision be taken, by the competent authority on the pending legal notice dated 16.11.2021 (Annexure P-7).
7. Learned State counsel submits that competent authority shall take decision either way, on the pending legal notice of the petitioners, in due course.
8. 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.
9. 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 as per legal notice dated 16.11.2021 (Annexure P-7) and also by keeping in view the contentions raised in the present petition by treating the same as supplementary representation and take a decision, in accordance with law.
10. Let the needful be done within a period of 03 months from today.
11. Disposed of accordingly.

(ARUN MONGA)
JUDGE

February 03, 2022
Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No