

Sr. No.768

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-11006-2001 (O&M)
Date of decision: 26.05.2022

Ram Karan Sharma	Vs.	...Petitioner
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K.Malik, Senior Advocate with
Mr.D.S.Mann, Advocate and
Mr. Sandeep Dhull, Advocate,
For the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus to consider the claim of the petitioner for appointment of HCS (Executive Brach) from the date his juniors were considered and appointed.

2. Petition was admitted on 30.07.2001.

3. When called out for hearing, Learned Senior counsel submits that petitioner has retired on 31.10.2010. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para 4 of the preliminary submissions of the reply filed on behalf of respondents No.1 and 2, which is reproduced herein below for ready reference:-

“4That the crucial relevant period in this case is the year of 1995 and on the relevant time an enquiry under Rule 7 (Punishment and Appeal) Rules, 1987 was pending against the petitioner. It hardly makes any difference whether that results in inflicting any minor or major punishment upon delinquent officers. It is further added here that the petitioner was charge

sheeted under rule 7 of the HCS (P&A) Rules 1987 for inflicting major punishment by the respondent No.2 vide their deptt. Memo. Bearing No.3074-E-5-95/12853, dated 28.05.1995 wherein it was clearly mentioned that the petitioner was required to submit the reply of the same within 15 days from the receipt of the memorandum. But the petitioner preferred to submit the reply vide his letter No.928/DRO, dated 12/1/96 which was received in the concerned office on 17.01.96 (after six months). It clearly shows that the unnecessary delay occurred due to slackness on the part of the petitioner. Further, it is submitted that as per rules, the concerned authority has to seek the comments of the Divisional Commissioner, Hisar which were called for vide Revenue Deptt. Memo No.297-E-5-96/2655, dated 07.02.96 on the basis of reply submitted by the petitioner which was necessary before taking the final decision in the matter in question. The then Divisional Commissioner, Hisar submitted his comments vide his letter No. KC/EA.2/2406, 28.03.97. The matter was considered thereafter and final orders regarding grant of punishment of "censure" to the petitioner were issued vide order dated 11.06.99. The endst. Of the same was sent on 14.7.99. In any case the petitioner filed an representation against the said order on 03.1.2000 i.e. after the expiry of period of approximately 6 months. The matter was further considered by the competent authority (Disciplinary authority) and the punishment awarded earlier was converted into "Stern warning".

5. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the aforesaid written statement.
6. I am in agreement with the stand taken by the respondents as aforesaid. Neither any replication has been filed to the afore noted stand of the respondents nor any additional affidavit of any kind to controvert the same.
7. In view of the aforesaid, no grounds are made out to interfere.
8. Dismissed.

26.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No