

Sr. No.325

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-16495-1996

Date of decision: 05.04.2022

Ram Niwas and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1996, *inter alia* seeking issuance of a writ in the nature of mandamus directing the respondents to withdraw the reversion orders dated 20.06.1984 (Annexure P-1).

Petition was admitted on 02.09.1997.

When called out for hearing, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 25 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

In any case, it appears that even on merits claim of the petitioners is not admissible in view of the following stand taken in para 1 of the preliminary objection and para 6 and 9 of the para wise reply, which are reproduced herein for ready reference:

“1.That this petition is hopelessly time barred. It has been filed after 12 years of the impugned order ‘P-1’. The supreme Court has held in 1971 (3) page 63 that CWP should be filed within 6 months of the impugned order. Hence, the petition is liable to be dismissed on this score alone.

6.That para No.6 of the writ petition is admitted. However, it is submitted that the withdrawal of reversion orders in the case of Sh. Piare Lal, A.R.C. and other persons have been effected by the respondent No.2 by exercising its discretion, only in a suitable case. The case of the petitioners is not suitable for being granted the benefit of withdrawal of reversion orders at this belated stage.

9. That para No.9 of the writ petition is admitted to be correct to the extent that the petitioners had furnished

affidavit to the effect that they would not claim the arrears of salary for intervening period, if the reversion orders dated 20.06.1994 are withdrawn. But in this case, the computation of seniority and re-fixation of pay would be involved, which cannot be effective at such a belated stage. The respondent No.2 has rightly closed the consideration of cases, because the officials concerned were making applications one by one and the Committee constituted to examine the cases had reached a conclusion that there were no vacancies for granting the relief to the petitioners, therefore, the consideration of cases has been rightly closed down.”

Be that as it may, writ petition is disposed of with liberty to the petitioners to file an appropriate application in case, any cause of action still survives.

05.04.2022
vandana

(ARUN MONGA)
JUDGE

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