

Sr. No.679

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-13718-2000 (O&M)
Date of decision: 24.05.2022

Sat Parkash Mittal	Vs.	...Petitioner
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

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

Mr. D.S.Rawat, Advocate,
For respondent No.3.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the impugned order dated 12.09.2000 (Annexure P-5) passed by respondent No.2 whereby promotion and seniority of the petitioner has been disturbed and all the benefits on the post of Assistant w.e.f. 20.02.85 to 27.04.97 has been withdrawn.

2. Petition was admitted on 18.07.2002.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 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 2 of the preliminary submissions of reply, which is reproduced herein below for ready reference:-

“2. The four employees of Health Department namely; Shri Devinder Computer, Sh. Rishi Parkash Clerk, Sh. Sat Parkash Mittal Clerk and Shri Surinder Nath Clerk applied for the post of Assistant in the Town and Village Planning Department. The

case examined and all the employees were conveyed the terms and conditions vide this office letter No. 12/3/3EI-74/11133 dated 22-7-74 R/1 as under: -

As per Rules the lien of temporary govt. employee cannot be retained. But in the present case if the Town and Village Planning Department retrench these experienced employees then they can be accommodated in the Health Department by the approval of Government, if the vacant posts are available, but with this condition that they will not be given the seniority from the date, they rejoin the Health Department instead of their previous seniority. If these employees are agree to go in Town and Village Planning Department, they should be relieved of their duties. The above conditions were acceptable to the petitioner and he was relieved to Town and Village Planning Department, Haryana, on transfer basis vide letter dated 6-11-74 (R/2) and the Medical officer I/C T.B Clinic, Jind relieved the petitioner on 14-11-74.”

5. Having heard the arguments of learned State counsel canvassed on the lines of pleadings in the return, 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. No grounds are made out to interfere.

6. Dismissed.

7. Though petition is dismissed however, in order to balance the equities that in view of the law laid down in “***State of Punjab and others Versus Rafiq Masih***” ***AIR 2015 (SC) 696***, it is made clear that respondent shall not make any recovery for the amount already paid qua the salary while the petitioner was in service.

24.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No