

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

Sr. No.614

**CWP-2406-2000 (O&M)
Date of decision: May 19, 2022**

Satya Pal Dahiya

...Petitioner

Versus

The State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2000, *inter alia*, for issuance of a writ in the nature of certiorari to quash order dated 10.11.1999 (Annexure P-4) passed by respondent No.3, whereby the petitioner was designated as Water Pump Operator (W.P.O) Grade-II in lieu of supersession of the department and seeking direction to the respondents to post the petitioner permanently as Electrical.

2. Petition has been lying admitted since 14.09.2001.

3. When called out for hearing, there is no representation on behalf of petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, it has been rendered infructuous and/or 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 Nos.3 & 4 of preliminary submissions of the written statement filed on behalf of respondent Nos.1 to 3, which is reproduced herein for ready reference:

“3. That the petitioner initially engaged on daily wages as water pump operator Grade-II. The post of the petitioner as sanctioned by the Govt. of Haryana as W.P.O. Grade-II and the petitioner was regularized as W.P.O. Grade-II on 1.4.1993. The petitioner approached to the respondent No.3 vide letter dated 18.10.1996 for changing designation. The application of the petitioner was recommended by the respondent No.3 vide office order dated 30.7.1997. The respondent No.3 has no competent to change the designation of the petitioner. Therefore, office order dated 30.7.1997 is not valid. While the fact coming in knowledge of the respondent No.3 that the

office order dated 30.7.1997 issued illegally wrongly and inevidently. The respondent No.3 withdraw the order dated 30.7.1997 vide his office order dated 10.11.1999 rightly and illegally. Therefore, office order issued by the respondent No.3 on 10.11.1999 is valid justified and legal. Hence, thus writ petition is not maintainable and it should be dismissed.

4. That the pay scale of W.P.O. Grade-II and Electrician is equal. Therefore, petitioner will not suffer any inconvenience loss by withdrawing in the office order dated 30.7.1997 which are legal, unjustified and invalid vide order dated 10.11.1999."

5. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted either by way of replication or by way of any additional affidavit.

6. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

7. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

May 19, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No