

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

CWP-18049-2001 (O&M)

Date of decision: November 17, 2022

Yoginder Nath

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None 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 directing the respondents to grant Higher Standard Pay Scale to the petitioner by taking into consideration his length of service as Lab Attendant on the feeder post (as feeder post carries Higher Scale) on completion of 10 and 20 years of service being the same grade of promotional post in view of Govt. instructions dated 08.02.1994 (Annexure P-1) and 29.12.1995 (Annexure P-2).

2. Petition was admitted for hearing on 06.03.2003.

3. When taken up for final adjudication, after around 19 years, none has put in appearance on behalf of the petitioner. In this context, it is important to note that a specific notice has been issued in the cause list, as well as, on the notice Board of the Court room, stating ***“In the category of “To Be Taken UP” Regular matters shown in the daily cause list, if learned counsel still do not appear, it would be an indicator that they are not***

interested in pursuing the same and the cases shall then be decided regardless of their presence. Learned counsels are, therefore, requested to watch the regular cause list of the Court.” Notwithstanding none appears. Court is left with no choice but to dismiss the petition.

On 10.10.2022, registry was directed to issue notice to learned counsel for the petitioner and the matter was adjourned for today i.e. 17.11.2022. On resumed hearing, again none caused appearance on behalf of the petitioner. In the premise, no useful purpose would be served by issuing fresh notice to the petitioner as the same too would be an exercise in futility. Even the particulars of addresses of the petitioner are also perhaps not complete as is borne out from the memo of parties.

4. Even otherwise 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.

5. Be that as it may, dismissed with liberty to the petitioner to file an appropriate application in case any cause of action still survives.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 17, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No