

Sr. No.350

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

CWP-4689-1997

Date of decision: 18.04.2022

Rattan Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1997, *inter alia*, seeking issuance of a writ in the nature of mandamus directing respondent No.2 to restore the seniority of the petitioner as Clerk in his office prior to relieving the petitioner for joining as Clerk in the office of respondent No.3 on transfer basis.

Petition was admitted vide order dated 31.08.1998.

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 24 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

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 1 of the reply on merit, which is reproduced herein for ready reference:-

“That para 1 of the writ petition is admitted to the extent that the petitioner is working as a Clerk in the office of answering respondent-2. On his re-appointment as Clerk in the Haryana Civil Secretariat on further transfer basis, the petitioner is not entitled for his original seniority and is thus not competent to invoke the extraordinary writ jurisdiction of this Hon'ble Court under Article 226/227 of the Constitution of India as no legal/fundamental right of the petitioner has been infringed. The action of the answering respondent in not restoring the original seniority of the petitioner in the office of answering respondent is perfectly just and legal.”

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

18.04.2022

vandana

Whether speaking/reasoned:

Whether reportable:

(ARUN MONGA)

JUDGE

Yes/No

Yes/No