

Date of decision: 23.05.2022

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...Petitioner

Vs.

...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 release the incremental benefits to the petitioner since January, 1989 along with consequential relief.

2. Petition was admitted on 27.05.2002.

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 Nos. 1 to 4 of the reply, which are reproduced herein below for ready reference:-

“ 1. That the petitioner while working as Advance Booker of Haryana Roadways buses at ISBT Delhi committed a fraud of Rs.1363.50. So on the receipt of report of the embezzlement, petitioner was charge

sheeted vide this office order No.558/TA dated 1.4.1993. The petitioner submitted reply of the charge sheet which was not found satisfactory. So, regular enquiry was ordered. Enquiry Officer conducted a fair and proper enquiry. The charges levelled against the petitioner were fully established. Agreeing with the Enquiry Officer findings, Flying Squad Officer, issued him final Show Cause Notice proposing the penalty of termination of his services. Petitioner submitted his reply which was not found satisfactory. So he was asked to appear for personal hearing. During the personal hearing the petitioner could not prove himself innocent. So, the services of the petitioner was terminated vide this office order No.1823/EC-II dated 22.10. 1993. The petitioner submitted an appeal against his termination to the competent authority which was partly allowed vide order annexure P/1. The petitioner was reinstated in to the service vide this office order No. 1365/EC-II dated 28.10.1997.

2. That the petitioner has already been given admissible benefit. The petitioner was given additional increment after Completion of 18 years service vide this office order No.618/EC-II dated 11.7.2000.

3. That the petitioner has been given all due increments as contended in para No.8 herein below and his basic pay is Rs.3500/- w.e.f. 1.1. 1999.

4. That there are several disciplinary cases pending against the petitioner under rule 7 of the service rules. The petitioner shall be considered for promotion after finalization of the disciplinary cases pending against him.”

5. 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.

6. In view of the aforesaid, no grounds are made out to interfere.

7. Dismissed.

23.05.2022

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Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No

**(ARUN MONGA)
JUDGE**