

587 (2nd case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13935-2010

Date of decision: 15.11.2022

M.P.Gupta

...Petitioner

Vs.

The Union of India and others

...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 Certiorari for quashing the order dated 28.07.2010 and 29.07.2010 (Annexures P-1 and P-2) whereby post of Director General, Technical Education Haryana has been created and respondent No.4 has been posted on the same.

2. Petition was admitted for hearing on 09.08.2010 and while admitting the writ, it was ordered to be heard along with CWP No.9741-2003.

3. On 10.11.2010, the following order was passed:-

“During the pendency of the prayer for interim relief, the respondent-Union of India has agreed to consider the mid-term cadre review proposal to review the cadre structure of the IAS of Haryana Cadre. Revised cadre structure has not been notified. Thus, the grievance raised in the petition that post of Director General, as created, is in violation of the Rule, would no more remain. Now the post has been created as a cadre post. That being so, the prayer is rendered infructuous and no order needs to be passed on the same.

Faced with the situation, Mr.Sibbal counsel appearing for the petitioner prays for time to amend the writ petition. He may do so by moving a formal application.”

4. From perusal of the file it reveals that no application was moved to amend the writ petition.

5. When taken up for final adjudication, after around 12 years, none has put in appearance on behalf of the petitioner.

6. 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.

7. Even otherwise by sheer effluxion of time and pendency of the writ petition for more than 11 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

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

(ARUN MONGA)
JUDGE

November 15, 2022
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No