

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

**CWP-27306-2016 (O&M)**

**Date of decision: September 07, 2022**

Om Parkash Godara

.....Petitioner

versus

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Vivek Singla, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

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**ARUN MONGA, J. (ORAL)**

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing impugned order dated 05.07.2016 (Annexure P-7) whereby claim of the petitioner for granting selection grade was filed after consideration. Further a writ in the nature of Mandamus has been sought for granting selection grade of Rs.10,000-325-13,900 to the petitioner w.e.f. 17.12.1999 along with consequential benefits arising therefrom or from the date disciplinary proceedings finally came to an end i.e., on 29.03.2010 vide (Annexure P-3) along with consequential benefits.

2. Pledged case is that State Government revised the scales of Haryana Government employees under the Haryana Civil Services (Revised Pay) Rules, 1998 wherein selection grade i.e., Rs.10,000-13,900/- was granted to the cadre of Tehsildars to the extent of 20% of posts, vide notification dated 07.08.1998 (Annexure P-2). On 03.11.1995, a charge-sheet was served upon the petitioner, which culminated into stoppage of one increment without cumulative effect.

Vide order dated 29.03.2010 (Annexure P-3), petitioner was punished by

awarding stoppage of one increment without cumulative effect. Another charge-sheet under Rule 7 of the Punishment and Appeals Rules was issued on 28.10.1998, which was filed by the authorities after consideration of the same vide order dated 13.06.2007 (Annexure P-4). Thereafter, vide letter dated 12.08.2008, seniority list as on 01.01.2000 of the cadre of Tehsildar was circulated. Petitioner had joined as Naib Tehsildar w.e.f. 18.12.1982 and was promoted to the post of Tehsildar w.e.f. 09.03.1992. Petitioner was conferred Current Duty Charge on the post of District Revenue Officer in 2011 and he was promoted as such in May-2016 and posted in District Jhajjar. Petitioner retired w.e.f. 31.10.2016 as District Revenue Officer. Number of Tehsildars senior and junior to the petitioner were granted selection grade w.e.f. the respective dates they become eligible, but he was denied the same as alleged disciplinary proceedings were pending. Petitioner made representation dated 28.09.2015 (Annexure P-6) in this regard. Vide impugned order dated 05.07.2016 (Annexure P-7), representation of the petitioner was rejected by a cryptic order.

3. I have heard rival contentions of learned counsel for the parties and perused the record.

4. Perusal of the impugned order dated 05.07.2016 (Annexure P-7) reflects that same is non-speaking and very cryptically worded, as all it is stated that *“you are hereby informed that in pursuant to the instructions issued by the Government contained in Letter No.26/3/81-GS-1, dated 12.03.1981, your case for granting selection grade is hereby filed after consideration”*. On the other hand, petitioner vide his detailed representation dated 28.09.2015 (Annexure P-6) had taken following specific stand therein:

*“It is respectfully submitted that vide departmental letter No.2012-E-2-2007/3789 dated 23.3.2007, 23 Tehsildars of the Department had been granted selection grade on the post of the*

*Tehsildar. On that day i.e., on 17.12.1999, selection grade was not given to me, because two cases under Rule 7 of the Departmental proceedings were pending against me, but a post was kept reserved for me. Now both the cases have been dropped against me. Therefore, you are requested I may be granted selection grade of the post of Tehsildar w.e.f. 17.12.1999 and oblige.”*

5. None of the aforesaid contentions of the petitioners seem to have been considered while passing impugned order. Trite to say, when non-speaking/cryptic orders are passed, even if they are correct in law, but since they do not reflect the reasoning and/ or mind of the competent authority passing the same, this Court is unable to appreciate the same in judicial review for lack of clarity.

6. On that short ground alone, impugned order dated 05.07.2016 (Annexure P-7) is set aside with liberty to the competent authority to pass fresh orders by giving reasons thereof. Needful be done within a period of 3 months since representation was given by the petitioner way back on 28.09.2015. If any favourable order is passed, petitioner be given the benefits thereof within a period of 2 months thereafter.

7. Petition is allowed, accordingly.

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

**(ARUN MONGA)**  
**JUDGE**

**September 07, 2022**  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No