

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

CWP-6108-2017

Date of decision: 27.10.2022

NITU RANI

...Petitioner

VS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Arun Sharma, Advocate for
Mr. Harish Mehla, Advocate,
For the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing the impugned order dated 04.07.2016 (Annexure P-1) vide which the petitioner's representation dated 21.01.2016 for consideration of her claim for compassionate appointment retrospectively from 30.09.2002 i.e. the date she first moved application seeking compassionate appointment, has been rejected.

2. Grievance arises out of the impugned order dated 04.07.2016 (Annexure P-1) which is stated to be cryptic. For better appreciation thereof, it is apposite to reproduce the same:

"It is to inform you that after examining your representation dated 21.01.2016, it has been decided by competent authority that the case could not be accepted. Hence, matter is filed."

3. Perusal of the above, leaves no manner of doubt that no reason is coming forth as to what transpired in the mind of the competent authority

while taking the administrative decision for rejection of the petitioner's claim. Petitioner is, therefore, rightly aggrieved and does not know what ground to take to challenge the same. Confronted, learned State counsel fairly concedes that thereafter appropriate general instructions were issued by the competent authority vide Annexure R-1 dated 08.05.2017.

4. In the return, following stand has been taken:-

"1. That the above mentioned case is fixed before Hon'ble High Court for 23.05.2017. On last hearing of the present case, this Hon'ble High Court observed, while taking into consideration judgement by the Hon'ble Supreme Court in the case of Orxy Fisheries Private Limited Vs. Union of India and others reported in (2010) 13 SCC 427, that necessary refresher course is required to the Officers who are passing orders without compliance to Article- 14 and also being passed arbitrarily without assigning reason/s. Accordingly, direction was issued to the deponent to take necessary steps in the matter.

2. That in compliance of the above direction dated 23.03.2017, instructions have been issued vide letter no. 62/31/2015-6GSI dated 08.05.2017, to all the Administrative Secretaries to Govt. Haryana, all the Heads of the Department and other authorities in the State of Haryana at district level and at institutional level, for taking matter seriously and taking action within the time bound as directed by the Hon'ble Courts so as to minimize the unnecessary litigation and filing of contempt petition against the State. It has been further directed to set up an effective mechanism for immediate compliance of orders/directions of Hon'ble Courts and also to decide expeditiously the representation/legal notice in accordance with the relevant rules/instructions by passing a detailed speaking orders as per para 5.2.1 of Haryana State Litigation Policy, 2010. Vide this above said instruction, it has also been specifically directed that Head of the Department as well as concerned Nodal Officers shall be personally responsible to ensure that every legal notice/notice of demand for justice is promptly attended to and an appropriate reply is given to the persons concerned within stipulated time. A copy of the instruction is annexed as Annexure R-1."

5. In the aforesaid premise, it emerges that petitioner was since rightly aggrieved as the same apart from being cryptic, does not reflect the

mind of the administrative authority while taking decision on the representation, and which is now under challenge.

6. In view of the above, the impugned order Annexure P-1 is set aside and in terms of the stand taken in para 2 of the short affidavit, the competent authority is directed to pass fresh reasoned orders giving reasons therefor. Let the needful be done as expeditiously as possible.

7. Writ petition is, accordingly, disposed of with aforesaid directions.

(ARUN MONGA)
JUDGE

October 27, 2022
vandana

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