

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

CWP-27043-2022 (O&M)

Date of decision: November 24, 2022

Raj Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus seeking directions to the respondents to allow the petitioner to join at his new place of posting in the office of Civil Surgeon, Fatehabad, as per appointment letter dated 05.08.2022 (Annexure P-2) and letter dated 11.10.2022 (Annexure P-7) vide which "No Objection" was issued by Civil Surgeon, Nuh. Further, a writ in the nature of Certiorari has been sought to quash letter dated 20.10.2022 (Annexure P-8) issued by respondent No.2, whereby representation of the petitioner for later joining in District Fatehabad for the post of MLHP-cum-CHO was disposed of.

2. Order impugned herein dated 20.10.2022 (Annexure P-8) is premised on the following reasons:-

"Since ample opportunities were there for joining in District Fatehabad (i.e. 11 working days: from 06/08/2022 to 22/08/2022), therefore, in view of above information and facts your Representation is hereby disposed-off on merit as "Fence-Sitters can't be equated with those who are vigilant about their rights. There is unreasonable lapse of time on your part and at

this stage, you are not allowed to barge into the Department and cry for your right at your convenience. Delay and laches defeats equity.

Considering your case sympathetically, it was also discussed in the departmental meeting that an alternative chance may be permitted to join at your previous place of posting in District Nuh/ Mewat. For this purpose, the State Nodal Officer tele-talked with you on 17/10/2022 for submitting a request/ representation, but disagreeing with the State Nodal Officer for the same, you have preferred that your earlier Representation may be decided first.

Therefore, with above detail and justifications, your Representation is hereby disposed-off on merits. This is for your information and further consideration, please.”

3. Having gone through the aforesaid, I see no irregularity committed either in facts and/or law warranting interference under the extraordinary writ jurisdiction.
4. Dismissed.
5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 24, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No