

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5125-2020
DECIDED ON: 31.10.2023

JAIMINI PARKASH

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak Sonak, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG Haryana.

Mr. Pankaj Gupta, Advocate and
Mr. Vaibhav Gupta, Advocate for respondents No.2 & 3.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226-227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside the order dated 04.11.2019 (Annexure P-9), whereby the representations dated 27.09.2017 & 11.07.2019 (Annexures P-7 & P-8) have been rejected.
2. The petitioner has sought relief of promotion as Storekeeper from the deemed dated i.e., w.e.f. 13.05.1988 or, if possible from the date Shri Sunder Lal and Smt. Suman Beniwal, have been promoted to the post of Assistant on which the Shri Jaiveer Singh has been promoted, who has joined the services one and half years later to the petitioner.
3. The said representation of the petitioner came to be decided by the respondents vide an order dated 04.11.2019 (Annexure P-9), which has been

challenged on the ground that the same is non-speaking and cryptic, as is evident from the body of that order, which reads as under:-

“your captioned representation has been considered by the Committee and the same has been filed. This is for your kind information”.

4. Learned counsel for the petitioner contends that the impugned order dated 04.11.2019 (Annexure P-9) is absolutely non-speaking and cryptic, which was passed in pursuance to the representations dated 29.07.2017 and 11.07.2019 (Annexures P-7 & P-8) vide which the petitioner himself brought to the notice of the respondent-employer that he has been wrongly promoted to the post, which is not accepted in the cadre.

5. At the same time, learned counsel for respondents No.2 & 3 makes a valiant attempt to counter and justify the order dated 04.11.2019 (Annexure P-9) on the strength that earlier a civil suit was also filed and the petitioner lost in the said suit and even in the civil appeal, judgment and decree passed by the Civil Court was upheld by the Lower Appellate Court and as such attained finality therefore, in this background of sequence of events, the respondent-Corporation is not under any obligation to pass a detailed speaking order to the representations dated 29.07.2017 and 11.07.2019 (Annexures P-7 & P-8).

6. This Court is not in agreement with the manner in which the respondent-Corporation has passed the order dated 04.11.2019 (Annexure P-9) in one line 'your captioned representation has been considered by the Committee and the same has been filed. This is for your kind information'.

7. This order by no stretch of imagination can be considered and read to be a reasoned and speaking order, which has been passed without having considered aspects and the factual circumstances pointed out by the petitioner in the representations dated 29.07.2017 and 11.07.2019 (Annexure P-7 & P-8), which are

submissions made by the petitioner in the aforesaid representations, but went on to pass the said order in just one line, which is not acceptable and is against the principle of natural justice. Hence, the order dated 04.11.2019 (Annexure P-9) stands quashed.

8. However, respondent-Corporation shall be at liberty to consider the case afresh and pass a order after examining each and every aspect, as mentioned in the representations dated 29.07.2017 and 11.07.2019 (Annexrues P-7 & P-8) in accordance with law within a period of 30 days.

9. Petition in the aforesaid terms stands disposed of.

31.10.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>