

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22150-2023

Date of decision : 04.10.2023

Surinder Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ravi Rana, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl.A.G. Haryana
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari to quash the orders dated 21.01.2005 (Annexure P-1), dated 13.07.2009 and order dated 23.12.2009 (Annexure P-2).

2. Learned counsel for the petitioner has submitted that for the grievances raised by the petitioner in the present petition, the petitioner has given a legal notice dated 24.05.2022 (Annexure P-4) and at this stage, would be satisfied in case the competent authority of the respondents considers the said legal notice in a time bound manner and if after considering the same, in case, the plea raised by the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case the plea raised by the petitioner is not found to be meritorious and the claim of the petitioner is rejected, then the petitioner would not further challenge the

same.

3. Learned State counsel has submitted that there is substantial delay in approaching the Court but has stated that the competent authority of the respondents would consider the legal notice and decide the same within a period of 3 months from the date of the receipt of certified copy of the present order but the said order should not be construed condoning the delay in the same.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority of the respondents to consider the legal notice dated 24.05.2022 (Annexure P-4) of the petitioner and decide the same, in accordance with law, as expeditiously as possible, preferably within a period of 3 months from the date of the receipt of certified copy of the present order and in case, after considering the same, the plea of the petitioner is found to be meritorious, then necessary relief be granted to the petitioner and in case, the plea of the petitioner is not found to be meritorious, then a speaking order rejecting the same be passed within the aforesaid period from the date of the receipt of certified copy of the present order. It is made clear that as undertaken before this Court, regardless of the outcome, the petitioner would be estopped from challenging the same.

5. It is made clear that this Court has not opined on the merits of the case and it would be open to the competent authority of the respondents to take all the factors into consideration including the factor of delay, while deciding the said legal notice, in accordance with law.

(VIKAS BAHL)
JUDGE

October 04, 2023
Davinder Kumar