



CWP-13368-1999 (O&M)

-1-

206

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

CWP-13368-1999 (O&M)

Decided on: 04.11.2024

Mange Ram through his LRs

.... Petitioner

Versus

Haryana Vidyut Parsaran Nigam and others

... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. Amit Sheoran, Advocate,
for the respondents.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* to quash the order dated 16.03.1999 by which the claim of the petitioner has been arbitrarily rejected and further direction be issued by considering the petitioner as Backward Class and consider him for promotion from the date his junior has been promoted as Circle Assistant, Head Clerk and Circle Superintendent.

2. Learned Senior Counsel for the petitioner submitted that the petitioner was appointed in the Backward Class Category and thereafter, he was not shown in the BC Category and rather the similarly situated persons have been promoted from time to time. He further submitted that the entire career of the petitioner has been effected because of wrongfully not mentioning the name of the petitioner in the BC category and in the seniority list as well, he has never been considered for promotion on his own



designation roster. He also referred to Annexure P-1 vide which he was appointed in the BC Category. He also submitted that vide Annexure P-6 the petitioner gave a representation to the Chief Engineer with regard to the same but vide Annexure P-7, the Chief Engineer just by one stroke of pen conveyed to the petitioner that his claim is not considered to be feasible. He submitted that the aforesaid order is absolutely unreasoned order and in case his representation was to be rejected then at least some reasons have to be given but such kind of order is unknown to law because it is not backed by any reason at all.

3. On the other hand, learned counsel for the respondents submitted that so far as the aforesaid order (Annexure P-7) is concerned, no order has been passed but the petitioner was not entitled for the aforesaid benefit of BC category because he did not raise any objections to the list which was prepared in which he was not placed in the BC category candidate.

4. After hearing the learned counsels for the parties and after perusing Annexure P-7, this Court is of the considered view that the aforesaid order passed by the Chief Engineer is absolutely *ipse dixit* of the officer concerned and is absolutely unreasoned and cryptic order. When a representation is filed by an employee, then it becomes the duty of the officer/competent authority to pass an order based upon reasons because the reasons are always soul of the order. The aforesaid order (Annexure P-7) is *ex facie* unreasoned order.

5. In view of the aforesaid facts and circumstances, the present petition is partly allowed. The impugned order (Annexure P-7) is hereby set aside. The concerned Chief Engineer/competent authority is hereby directed

to pass a fresh speaking order on the representation filed by the petitioner. Since the present petition is of the year 1999 and since the petitioner has died during the pendency of the present petition, the LRs of the petitioner will also be entitled to file any other additional representation if they so desire and the competent authority/Chief Engineer shall also consider the additional representation, if any, filed by the LRs of the petitioner. In case, the petitioner is found entitled for the aforesaid relief being claimed by him pertaining to considering him in the Backward Class category right from the inception level, then in that situation the petitioner/LRs shall be entitled for all the consequential benefits with effect from the date his juniors have been promoted. In case the petitioner/LRs is not found to be entitled for the aforesaid relief, then detailed reasons have to be mentioned in the order which is to be passed by the Chief Engineer/competent authority. The aforesaid exercise shall be completed within a period of 4 months from today.

04.11.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned:

Yes/No
2. Whether reportable:

Yes/No