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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11487-2019 (O&M)

Date of Decision: 07.02.2024

Balwant Singh and others

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Karan Nehra, Advocate, for the petitioners.

Mr. Hitesh Pandit, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing the letter dated 28.03.2019 (Annexure P-9) passed by respondents No.2 to 4.

2. Learned counsel appearing on behalf of the petitioners has submitted that the petitioners had served a legal notice upon the respondents-Nigam vide Annexure P-8 and a reply to the aforesaid legal notice has been given by the Chief Engineer vide Annexure P-9 whereby it has been so stated that the claim is rejected on the basis of the recommendations of the anomaly committee. He submitted that since the valuable rights pertaining to fixation of pay were claimed, an order was required to have been passed by the Competent Authority of the respondent-Nigam and till date no such order has been passed by any Competent Authority much less to say by way of any application of mind. He submitted that since there is no order by any

Competent Authority, therefore there is no application of mind by any Competent Authority.

3. On the other hand, Mr. Hitesh Pandit, learned counsel appearing on behalf of the respondent-Nigam submitted on instructions that no such order has been passed by any Competent Authority but the detailed recommendations of the anomaly committee which were accepted and implemented but there is no formal order passed by any authority considering the claim made by the petitioners in their legal notice (Annexure P-8).

4. After arguing for some time, both the learned counsels for the parties are *ad idem* that the present petition can be disposed of with a direction to the Competent Authority of the respondent-Nigam to consider the legal notice of the petitioners Annexure P-8 and after hearing the petitioners, a speaking order be passed in accordance with law.

5. In view of the aforesaid facts and circumstances, the present petition is disposed of with a direction to respondent No.2/Competent Authority to consider and decide the legal notice (Annexure P-8) by passing a speaking order and after hearing the petitioners or their counsel/representative strictly in accordance with law and within a period of four months from today.

07.02.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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