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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-16099-2017 (O&M)
Date of decision: 13.05.2024

H.C. SHARMA

...Petitioner

VERSUS

STATE OF HARYANA AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

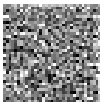
Present:- Mr. R. K. Handa, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Prateek Mahajan, Advocate and
Ms. Prerna Malhotra, Advocate
for respondents No.2 to 4.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to consider and follow the instructions/notification/amendments issued by the Department from time to time and exempt the petitioner from passing the paper of S.O. Part-II examination and deemed promotion for Senior Accounts Officer (DGM) and also to quash the order dated 29.12.2015 (Annexure P-12) passed by the respondents which is illegal, arbitrary, unjust and non-speaking as per law settled by Hon'ble Supreme Court as well as by this Court.



2. At the outset, all the learned counsels for the parties are *ad idem* that the orders, i.e. Annexure P-12 and Annexure P-13 have been passed by declining the prayer of the petitioner for deemed date of promotion without any reasons and without passing a speaking order. All the learned counsels for the parties are also *ad idem* that a fresh order may be passed by the competent authority by assigning reasons and by passing a speaking order within a time frame work.

3. Without expressing anything on the merits of the case, the present writ petition is partly allowed. The orders Annexure P-12 and Annexure P-13 are hereby set aside. The respondent No.3-Managing Director, Dakshin Haryana Bijli Vitran Nigam, Hisar, District Hisar is directed to pass a well reasoned speaking order on the representation of the petitioner dated 07.12.2009 (Annexure P-3) after giving the petitioner or his counsel an opportunity of hearing, within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

13.05.2024
Chetan Thakur

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