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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-24341-2021 (O&M)

Date of Decision:19.01.2024

Bhup Singh

.....Petitioner

Versus

Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited, Hisar and
others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sandeep Thakan, Advocate for the petitioner.

Mr. Hitesh Pandit, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the order dated 22.07.2019 (Annexure P-8) and further to direct respondents to release the Cadre Specific Scale to the petitioner w.e.f. 31.03.2015 as per the Circular dated 28.02.2009 (Annexure P-9) and release all the consequential benefits at the rate of 24% interest per annum.
2. Learned counsel for the petitioner has submitted that he had given a representation (Annexure P-7) to respondent No.3 for grant of time scale w.e.f.31.03.2015 instead of 31.03.2018 and in pursuance of the aforesaid representation, impugned order at Annexure P-8 had been served to the petitioner which is in the nature of information only and by way of a stroke of a pen, it was informed that it is not found to be feasible for acceptance. It is further submitted that once the representation was given to respondent No.3-Nigam then the Nigam at least had to apply its mind and pass an order by giving reasons but such cryptic letter has been

written without mentioning of any reason and therefore the same is liable to be set aside.

3. On the other hand, Mr. Hitesh Pandit, Advocate for respondents has submitted that so far as the aforesaid factual position, is concerned, the same is not disputed but the petitioner is not entitled for aforesaid grant of time scale w.e.f. 2015. He has, however, submitted, that since the letter/order at Annexure P-8 has been passed without giving any reason and as such speaking order shall be passed by the respondents/competent authority within a period of three months from today.

4. In view of the aforesaid position and without expressing anything on the merits of the case, the present petition is disposed of with a direction to the respondents/competent authority to consider and decide the representation that has already been given by the petitioner at Annexure P-7 in accordance with law by passing a speaking order and after giving an opportunity of personal hearing to the petitioner within a period of three months from today.

(JASGURPREET SINGH PURI)
JUDGE

19.01.2024

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Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No