

(2014) 05 P&H CK 0258
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 10961 of 2012

Rajbir Singh and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 28-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0258

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Subhash Ahuja, Advocate for the Appellant; Sunil Nehra, Sr. DAG, Haryana, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Augustine George Masih, J.—Petitioners have approached this Court praying for issuance of a writ seeking quashing of the directions dated 16.07.2010 (Annexure P-15) vide which, according to the petitioners, their claim has been rejected.

2. A perusal of the communication dated 16.07.2010 (Annexure P-15) would show that it is an information supplied under the Right to Information Act, 2005, where it is apparent that no decision on the demand notice submitted by the petitioners dated 27.11.2005 (Annexure P-14) has been taken rather the file is stated to be not traceable. Same is the stand of the respondents in the written statement with regard to the fact as to whether any decision was taken on the demand notice submitted by the petitioners although the factum of receipt of demand notice stands admitted.

3. Counsel for the petitioners places reliance upon the judgment passed by this court in CWP No. 2700 of 1992, Devi Deyal and others versus State of Haryana and others 1994 (3) RSJ 407 to contend that the claims of the petitioners would be covered by the ratio as laid down by this court. He submits that the claims of the petitioners may be allowed as has been made by them in the present writ

petition granting them the ACP Grade by treating them to have been promoted from the date similarly placed employees in other districts were promoted i.e. 18.11.1997. He contends that because of non-finalisation of the seniority list of the Laboratory Attendants because of bifurcation of District Hisar into Fatehabad. The delay has occurred for which the petitioners should be held responsible nor can they be penalized. He further states that the petitioners would not claim any actual financial benefits for the period in question till the filing of the writ petition in case their claim is accepted and would only pray for notional benefits for the said period.

4. On the other hand, counsel for the respondents submits that the claim of the petitioners as made in the writ petition cannot be accepted as has been tried to be projected by the petitioners' counsel, he, however, could not dispute the fact that there is no order available on the record on the decision taken by the competent authority on the demand notice dated 27.11.2005 (Annexure P-14) submitted by the petitioners.

5. In view of the above, the present writ petition is disposed of with directions to respondents No. 2 and 3 the Director Secondary Education Haryana and the District Education Officer, Hisar respectively to consider and decide the claim of the petitioner as projected by them in their demand notice dated 27.11.2005 (Annexure P-14) within a period of three months from today. In case the claims of the petitioners are accepted the consequential benefits be granted to the petitioners and arrears, if any, with effect from the date of filing of the writ petition i.e. 29th May, 2012 be paid within a period of one month thereafter.