

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

CWP No.9448 of 2013 (O&M)

Date of decision:29.09.2016

Jagbir Singh & others

... Petitioners

Vs.

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. K.G. Chaudhry, Advocate for the petitioners.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioners are working under the Department of Public Relations, State of Haryana and are loosely covered under the term Bhajan Party. Counsel appearing for the petitioners would submit that there are no statutory rules governing their conditions of service but the petitioners are broadly considered as Class IV employees (Group 'D').

In the writ petition a twofold claim was raised;

- i) the petitioners do not have any promotional opportunities even though some of them have served for a period in excess of 20 years;
- ii) a claim has been raised for directing the respondents to treat the petitioners as Class III employees instead of Class IV employees and at par with other employees working under the Department of Public Relations and who are part of Drama Party.

Upon notice of motion having been issued, a reply on behalf of respondents No.1 & 2 has been filed and placed on record.

Insofar as the grievance and lack of promotional opportunities is concerned, a stand has been taken that the Government in principle has taken a decision to grant of 1st, 2nd and 3rd ACP grade pay and financial upgradation upon completion of 8, 16 and 24 years of service w.e.f. 04.03.2014 as per instructions issued by the Finance Department. Such decision in the considered view of this Court would certainly redress the grievance of the petitioners partly and would alleviate stagnation. Notice may also be taken of the document placed on record at Annexure P-3 wherein it has been stated that all Class IV (Group 'D') employees are eligible for promotion to the post of Clerk against 20% quota in accordance with seniority and eligibility. Even the present petitioners can assert their rights under such 20% quota subject to their fulfilling the conditions of eligibility.

Insofar as the claim of the petitioners to be treated as Class III employees, the State Government in para 9 of the reply has taken a stand that such claim is under consideration with the government being a policy matter.

Learned counsel appearing for the petitioners would submit that he would be satisfied if this petition is disposed of with a direction to the respondent/authorities to take a final decision with regard to such claim within a stipulated time frame.

In matters which are in the realm of policy making, it would not be feasible to bind down the government to take decisions within a specific period of time. Be that as it may, since the matter is under

consideration with the State Government, the petition is disposed of with the observation that the claim of the petitioners to be treated as Class III employees and at par with the members of the Drama Party be decided in accordance with law and expeditiously.

Disposed of.

29.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |