

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21289 of 2016
Date of Decision: 10.09.2018

Kapil Sharma and others

.....Petitioners

Vs.

State of Haryana and anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.K.Malik Sr.Advocate, for the petitioners.

Ms.Nidhi Garg, A.A.G.Haryana.

RITU BAHRI, J. (ORAL)

Learned counsel for the petitioners seeking issuance of a writ in the nature of Certiorari to quash the action of the respondents by replacing the petitioners by fresh contract employees and for further direction to the respondents to continue the petitioners till the regular selection is made.

Learned counsel for the petitioners submits that petitioners are working as Counter Clerks and belonging to general category were appointed vide Annexure P-1 and they are continuing to work as contractual Counter Clerks till dates and they are apprehending for replacing them with the similar set of fresh contractual employees.

Respondents has filed their written statement stating therein in para-4 that advertisement (Annexure R-6) was issued for 21 posts, however, thereafter, corrigendum dated 19.10.2016 has been issued and 21 advertised posts have been reduced to 13. Therefore, the petitioners have no cause of action after issuance of corrigendum dated 19.10.2016. Keeping in view the corrigendum (Annexure R-1) respondents are not removing/replacing the petitioners and they are allowed to continue their work till the regular selection is made.

Learned counsel for the petitioners further contends that the petitioners are claiming minimum pay scale of Rs.23,000/- per month which has been declined on the ground that petitioners were appointed on contract basis and they will be paid wages fixed by the Deputy Commissioner.

The prayer of the petitioner has to be allowed keeping in view the judgment passed in the case of Anurag Chahal and others Vs. State of Haryana and anr. Passed in CWP No.16954 of 2015 wherein, petitioners were working as Computer Instructors and they were selected by duly constituted Selection Committee. Learned counsel for petitioner further submits that as per judgment of Hon'ble Supreme Court passed in the case of State of Punjab and others vs. Jagjit Singh and others 2016(4) SCT 641, respondents are directed to make payment of minimum wages of regular pay scale to the petitioners from the date of their appointments.

Keeping in view the ratio of the above mentioned judgments, the writ petition is allowed and petitioners are allowed to continue to work on their post till the regular selections are made and they are entitled to get the salary as per minimum pay scale from the date of appointments as admissible to the regular employees.

(RITU BAHRI)
JUDGE

10.09.2018

anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>