

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

**CWP No.737 of 2016
Date of decision: 11.07.2018**

Umesh Chander Sharma

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Y.P. Malik, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

Ritu Bahri, J.

The petitioner is seeking direction to the respondents to consider his case for grant of continuity of service, without back wages from the date of relieving till his reinstatement in view of the circular letter dated 25.11.2002 (Annexure P-14) as well as guidelines dated 24.11.2003 (Annexure P-15).

Learned State counsel has produced a copy of order dated 16.02.2017 passed by the Additional Chief Secretary to Government of Haryana, School Education Department, Haryana, vide which the petitioner has been granted the benefit of continuity in service w.e.f. 15.01.1997 while modifying condition No.5 imposed in order dated 26.10.2005. He states that no monetary benefit will be granted to the petitioner, except continuity of service.

Learned counsel for the petitioner has referred to the order dated 16.02.2017 (Annexure P-38), whereby petitioner-Umesh Chander, who has

been reinstated, has been granted the benefit of continuity of service w.e.f. 15.01.1997. It was also ordered that he will not be entitled for any benefit of service, except continuity of service. He has further referred to the orders (Annexures P-16 to P-31), whereby similar benefit has been granted to other employees. As per order dated 18.09.2008 (Annexure P-31), continuity of service has been granted to one Vijay Pal. However, his pay has been fixed notionally after granting him the benefit of increments. It is evident that while passing similar orders qua benefit of continuity of service, pay of similarly situated employees has also been re-fixed vide Annexures P-31 to P-34, though actual financial benefit has not been extended by treating it as notional pay.

Respondents have not denied passing of orders (Annexures P-31 to P-34).

In these circumstances, the respondents are directed to grant the benefit of continuity of service to the petitioner w.e.f. 15.01.1997 in terms of the order dated 16.02.2017 and thereafter, notionally re-fix his salary as has been done vide orders dated 18.09.2008, 14.12.2011, 17.09.2012 & 28.05.2013 (Annexures P-31 to P-34) within a period of six weeks from the date of receipt of certified copy of this order.

Allowed accordingly.

11.07.2018
ajp

(RITU BAHRI)
JUDGE

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