

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

Sr. No.159

CWP-31000-2019

DECIDED ON: October 24, 2019

ASHOK KUMAR AND OTHERS

..PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Neeraj Goel, Advocate,
for the petitioners.

AMIT RAWAL, J. (ORAL)

The grievance of the petitioners, in the present case, is with regard to non-consideration of the period of ad hoc services, in the Department of Health, Government of Haryana, as per the charts reflected in para no.2 of the writ petition, for the purpose of seniority and promotion, to the post of Chief Pharmacists from Pharmacists, despite the fact that petitioners have been provided regular increments and there was hardly any gap of service. The petitioners, in the year 1989, were also interviewed, by the Staff Selection Board for filling up the regular post.

Learned counsel appearing for the petitioners submitted that the persons junior to the petitioners, have been considered for promotion and in such circumstances, a cause of action occurred to approach this Court. Gradation list, in his submission, is not in accordance with Rule No.11 of Haryana Health Department Pharmacists (Group-C) Service Rules, 1998, where the inter se seniority list amongst the members of services is to be

CWP-31000-2019

determined by length of service on any post of service and if there are separate cadres, it would be determined separately, for each.

In this regard, petitioners have already expressed their grievances in the representation dated 10.06.2019 (Annexure P-7).

Learned counsel for the petitioners submits that they will be satisfied if a direction is issued to respondent No.2-Director General Health Service, Haryana Sector-6, Panchkula, to consider the legal notice dated 10.06.2019 (Annexure P-7), within a stipulated period.

Without going into the merits and demerits of the claim of the petitioners, I deem it appropriate to direct respondent No.2, to consider the legal notice dated 10.06.2019 (Annexure P-7), within a period of two months from the date of certified copy of this order and shall pass a speaking order thereon after affording opportunity of hearing to the petitioners, failing which, respondent No.2, shall be liable to pay costs of Rs.25,000/- to petitioners.

This condition of imposing costs is only to prevent petitioners to run from pillar to post and avail remedy of contempt in case of non-compliance of directions issued by this Court.

The writ petition stands disposed of with the above direction.

October 24, 2019

Ankur

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No