

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24424-2016

Date of decision: 20.01.2020

Anil Kumar and others

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Tejpal Dhull, Advocate
for the petitioners.

Mr. Hitesh Pandit, Addl.A.G., Haryana.

RITU BAHRI, J. (Oral).

In the present case, the petitioners have been given appointment w.e.f. 11.01.2008 as Drivers as per the order dated 20.12.2011 (Annexure P-1).

The background of giving benefit of appointment w.e.f. 11.01.2008 is that the Department of Transport of Haryana had initiated process of selection of 910 posts of Drivers vide advertisement dated 22.07.2007. For this, the State had constituted 10 district level selection committees to make the selection. The selection with respect to Sonapat Depot was subject matter of consideration in **CWP-728-2009** titled as **Sanjay and others V/s. State of Haryana and others** and this writ petition was allowed. The selection of the drivers pertaining to Sonapat Depot was set aside and the State was directed to hold the selection afresh of all the 100 candidates who had passed 3 tests and to prepare fresh selection list of the entire State by including the fresh selection of the Sonapat Depot. The

selected candidates were ought to be given consequential appointments but they were not held entitled to any the monetary benefit. In compliance of the judgment, Haryana Roadways had passed order dated 20.12.2011 (Annexure P-1).

The grievance of the petitioners is that while passing the order dated 20.12.2011 (Annexure P-1) the petitioners were not given consequential benefits and their salary was not fixed taking their appointment as on 11.01.2008.

The short question for consideration is that when the petitioners have been made part of the regular cadre by taking them into service on 11.01.2008 can they be given fixation of notional pay? The answer to this question is 'Yes'. The judgment of this Court passed in ***Sanjay's case (supra)*** is very clear that if any claim is raised by the selected persons then the selection should relate back to the original date of interview which is 11.01.2008 and the selected candidates have not to be given any pecuniary benefits. On 11.01.2008, this benefit has been given. Keeping in view drivers who are selected in other districts have already joined way back in the year 2008, the benefit of notional fixation of pay has to be given to them.

The stand taken by the respondents in the written statement is that as per ***Sanjay's case (supra)*** the only benefit of seniority shall be given and no pecuniary benefits was to be given. Once seniority is to be given, it is deemed to be accepted that petitioners are in service from 11.01.2008 and giving them benefit of service of these 3 years (i.e. from 11.01.2008 to 11.03.2011 when the judgment was passed). The benefit of seniority has been given to maintain parity with all the drivers who have been selected in

the other districts of State of Haryana and in this backdrop they have right to be given notional fixation of pay.

At this stage, this petition is being allowed with direction to the respondents to refix the pay of the petitioners and the arrears has to be given from the date of actual appointment i.e. 11.01.2008 (Annexure P-1).

(RITU BAHRI)
JUDGE

20.01.2020
Divyanshi

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