

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-20062-2018(O&M)

Date of decision: 13.01.2020

Deepti Rani and others

...Petitioner(s)

V/s.

State of Haryana and another

...Respondents

And

CWP-19803-2018 (O&M)

Sarita Devi and others

...Petitioner(s)

V/s.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Fateh Saini, Advocate for the petitioners
in CWP-19803-2018.

Mr. R.K.Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioners in CWP-20062-2018.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (Oral).

This order shall dispose of two writ petitions i.e. CWP No. 19803 of 2018 and CWP No. 20062 of 2018. However, the facts are being extracted from CWP No. 20062 of 2018.

The petitioners are seeking quashing of order dated 07.08.2018 (Annexure P-7) by which their services were ordered to be terminated. They are further seeking direction to the respondents to allow them to continue in service till regular appointments are made against the posts

occupied by them and grant them minimum scale to the post of Clerk from the date of their initial appointments.

While dismissing the modification applications on 13.12.2019 learned State counsel on instructions from Mr. Shambir Singh, Assistant, Department Consolidation had informed that out of 27 recommended cases for the posts of Clerk, 17 candidates have joined and 10 posts are still lying vacant. Keeping in view that 10 posts were lying vacant, the petitioners of both the writ petitions who are total 8 in number, and were appointed as Clerks on contract basis; will continue to serve as Clerks. Interim order dated 27.08.2018 shall remain continued.

Learned counsel for the petitioners further states that the petitioners should be given minimum scale keeping in view judgment passed in ***CWP No. 16954 of 2015 titled as Anurag Chahal and others V/s. State of Haryana and another.*** In this case, the petitioners were working as Computer Instructors and they were selected by duly constituted Selection Committee. The petitioners therein were granted minimum wages of regular pay scale from the date of their appointments as per judgment of Hon'ble Supreme Court passed in ***State of Punjab and others V/s. Jagjit Singh and others*** 2016(4)SCT 641.

Learned counsel for the State has argued that no prayer for grant of minimum wages of regular pay scale has been made by the petitioners in the writ petitions.

Learned counsel for the petitioners submits that grant of minimum scale meant for the post of Clerk from the dates of their initial appointments has been mentioned in sub clause iv) of clause 11 of the prayer.

These writ petitions are allowed and the respondents are directed to allow the petitioners to continue to work as Clerks on contractual basis till the regularly selected candidates join and grant them minimum wages of regular pay scale keeping in view above referred judgments. The petitioners are further entitled for arrears of 3 years prior to filing of the writ petitions.

Pending application, if any, stands disposed of.

(RITU BAHRI)
JUDGE

13.01.2020

Divyanshi

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No