

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5702 of 2021 (O&M)

Date of Decision: 14.12.2021

Satish Kumar

..... Petitioner

V/s.

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Anil Kumar Sharma, Advocate
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

Lisa Gill, J. (Oral)

This writ petition has been filed by the petitioner being aggrieved of rejection of his claim by the authorities for counting his past service rendered on the post of Clerk from 20.03.2018 to 10.02.2019 for the purpose of pensionary and other benefits.

While issuing a notice of motion in this case on 06.09.2021, contentions on behalf of the petitioner were noted as under:

“Counsel inter alia contends that rejection vide order dated 04.09.2020 (Annexure P-10) is on the ground that the case of the petitioner is not covered under Rule 10(1) of the Haryana Civil Services (Leave) Rules, 2016 as he had not applied through proper channel for appointment as PGT against advertisement No. 4 of 2015 (Annexure P-1) for the post of PGT qua which the closing date was 21.09.2015. Counsel submits that the petitioner had also applied for the post of a clerk against Advertisement No. 10 of 2015 (Annexure P-2), the last date of which was 06.01.2016. He had been appointed as a clerk against advertisement (Annexure P-2) and had joined and thereafter also got selected for the earlier advertisement for PGT (Annexure P-1)

and, therefore, could not have applied through proper channel. It is submitted that his technical resignation was also accepted as noticed in Annexure P-8 and, therefore, the benefit of earlier service should have been granted.”

Learned counsel for the State has circulated a copy of communication dated 14.12.2021 forwarded to office of learned Advocate General, Haryana wherein it is stated that petitioner's claim has been considered and accepted vide order dated 17.11.2021 passed by Additional Chief Secretary to Government of Haryana, School Education Department. A copy of order dated 17.11.2021 has also been circulated wherein sanction has been accorded to count past service of the petitioner rendered by him as Clerk in the office of ESI Dispensary, Sector-55, Faridabad from 20.03.2018 to 10.02.2019, towards pensionary benefits and leave encashment under the provisions of Rule 15 of Haryana Civil Services (Pension) Rule, 2016.

It is thus, submitted that the present writ petition is rendered infructuous.

Print outs of communication dated 14.12.2021 as well as order dated 17.11.2021, are taken on record.

Learned counsel for the petitioner accepts that this writ petition is indeed, rendered infructuous.

Writ petition disposed of, accordingly.

14th December, 2021

Sonia Puri

**(LISA GILL)
JUDGE**

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