

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

CWP-7025-2021 (O&M)

Date of decision: August 12, 2021

Sandeep

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

(Presence marked through Video-Conference).

CM-8971-CWP-2021

For the reasons stated in the application, the same is allowed.

Annexure P-13 is taken on record, subject to all just exceptions.

Main case

Petitioner, herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to not replace the petitioner with another set of contractual employees in pursuance to communications dated 14.12.2020 (Annexure P-10) and 26.02.2021 (Annexure P-11).

In compliance of order dated 19.04.2021, reply by way of affidavit dated 02.08.2021 has been filed and perusal of the same reveals that following candid stand has been taken therein: -

“9. That regarding contents of para No.9 of the petition it is submitted that the petitioner is not going to be replaced by any other set of contractual employees. The post vacated by the petitioner will be filled in accordance with law and procedure.”

In the aforesaid premise, no further grounds are made out to continue with the proceedings. It is, however, expected of the respondents to clear the arrears of salary of the petitioner within 45 days for the relevant period i.e. 01.04.2021 till date, as per the contention of learned counsel for the petitioner though he has worked but yet not been paid the salary.

On verification of the period of non-payment of salary, payable dues *qua* salary shall be paid to the petitioner, as aforesaid. Learned counsel for the petitioner contends that during the pendency of the proceedings, petitioner has already cleared the requisite State Eligibility Test.

Be that as it may, it is left open to the respondents to proceed further with the case of the petitioner, in accordance with law.

Disposed of, accordingly.

(ARUN MONGA)
JUDGE

August 12, 2021
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No