

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

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IN VIRTUAL COURT

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**CWP No. 21274 of 2020
Date of decision : 28.1.2021**

Rakesh Kumar

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. B.K. Bagri, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing the respondents for granting notional seniority and pay fixation to the petitioner from the date the other candidates were appointed and allowed to join.

It is submitted by the counsel for the petitioner that the petitioner was selected and appointed on the post of Dispenser (Ayurvedic), pursuant to the selection made by the Haryana Staff Selection Commission. However, due to some litigation, the actual joining of the petitioner was delayed. Hence, he is claiming only the notional pay fixation and benefits of seniority from the date, in accordance with his merit in the selection list, w.e.f. the date the persons selected in the same selection were appointed. For that purpose, the petitioner has already approached the respondents by way of representation dated 6.10.2020, which is still pending consideration with the respondents. At

this stage, the petitioner would be satisfied if his representation is considered by the respondents and a conscious decision is taken there on by them.

Notice of motion.

Ms. Deipa Singh, Addl. AG, Haryana accepts notice on behalf of the State.

It is submitted by the counsel for the State as well, that the State is not averse to the expeditious disposal of the claim of the petitioner, but in accordance with law.

In view of the above, the present petition is disposed of with a direction to the respondents to consider the representation, at Annexure P-9, moved by the petitioner and to take a conscious decision thereon; within a period of two months from today. It is further ordered that in case the petitioner is found entitled to some financial benefit on account of such consideration, then the said benefit shall also actually be released to the petitioner; within a period of further one month from the date of such conscious decision.

(RAJBIR SEHRAWAT)
JUDGE

28.1.2021
Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No