

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

CWP-17572-2001 (O&M)

Date of decision: August 31, 2022

Gurpal Singh and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of writ in the nature of Certiorari for quashing order dated 06.11.2000 (Annexure - 4) whereby claim of the petitioners for granting all consequential benefits in lieu of counting of work charge service period by the respondents has been rejected.

2. Petition was admitted for hearing in the year 2001. On case being called out, none has appeared for the petitioners.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

4. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may be had in particular to the stand taken in

Paras- 3 to 8 of the written statement filed on behalf of the respondents No. 2 to 5 and the same reads as under:-

“3. That in reply to paras 3 and 4 of the petition it is submitted that this Hon'ble Court vide its orders rendered in C.W.P. No. 18933 of 1997 directed that the workcharged service period would be counted for the purpose of the grant of additional increments on completion of 8/18 years of service and higher standard scale on completion of 10/20 years of service. These directions were duly complied with by the answering respondents. There was no direction for the grant of earned leave and medical leave regarding the workcharged service period.

The claim of the petitioners in C.W.P. No. 10933 of 1997 was only qua the aforementioned benefits. It was open to the petitioners to agitate the issue of counting of the grant of benefits of earned leave and medical leave for their workcharged service also, however, the petitioners chose not to raise this claim. In this view of the matter the present petition is not maintainable.

5. That in reply to para 5 of the petition it is submitted that earlier the benefit of workcharged service period was considered towards calculating/crediting the aforesaid leaves. Subsequently the matter was got examined/clarified and the counting of the workcharged service period was denied.

6 to 8. That in reply to paras 6 to 8 of the petition it is submitted that the benefits as directed by this Hon'ble Court were released to the petitioners. It is open to the answering respondents to rectify their mistake at any stage. The claim of the petitioners is not based on any

statute. As per rules/guidelines circulated on the subject, the service rendered in the work charged cadre is not to be counted towards benefits like increments, earned leave, medical leave etc. The benefit has rightly been denied.”

5. Learned State Counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

August 31, 2022
monika

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No