

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-17697-2002 (O&M)

Date of decision: August 17, 2022

Jagdish

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rajesh K. Kataria, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J (ORAL)

Petitioner, at the relevant time while filing the writ petition, was aggrieved against the impugned orders dated 05.03.2002 (Annexure P-5) and 07.05.2002 (Annexure P-6) vide which his services as Conductor in Haryana Roadways were dispensed with on the principle of 'Last Come First Go' being the junior most in the waiting list of 124 conductors.

2. Pledged case is that the employees of Haryana Government particularly Transport Department had participated in a strike that commenced from 23.11.1993. In order to ensure mitigation of problems of travelling public and to ensure regular operations of the transport facilities, nearly 1500 employees were recruited. Petitioner was also recruited during the strike period since 07.12.1993 to 21.12.1993. In order to reward those who had served the Govt. during the period of crisis, a policy decision was taken to absorb the temporary employees by getting their suitability adjudged through screening committee. In this regard, instructions dated 28.01.1994 (Annexure P-1) were issued. Committee recommended the names of the candidates as per their proficiency and suitability. Separate list of selected candidates was prepared for each depot. The name of the petitioner was

found at Sr. No.86 & Spl. No.91 and his name was sent to Karnal Depot vide order dated 03.04.1995 (Annexure P-3). Petitioner served till 07.05.2002, when his services were dispensed with vide order dated 07.05.2002 (Annexure P-6) being the junior most contractual conductor SPL-30, whereas juniors to the petitioner are being retained in the service.

3. Petitioner claims that dispensing of his services was completely illegal in view of the fact that the respondents themselves decided to make appointment from the same very waiting list till the same was fully exhausted. Be that as it may, during the pendency of the writ proceedings, it transpires that the claim of the petitioner to the extent of his being taken back in service has been rendered infructuous, as he was re-employed w.e.f. 21.10.2003 in Haryana Roadways, as informed by learned counsel for the petitioner.

4. Perusal of the prayer would reflect that there is no prayer with regard to payment of any salary for the period he remained out of service. Even if the same were to be considered, I am of the opinion that the petitioner is not entitled to seek any wages for the period he remained out of service as he had accepted his retrenchment compensation in terms of impugned order 07.05.2002 (Annexure P-6). That apart, even otherwise on the principle of 'No Work No Pay', petitioner is not entitled for any wages for the said period. Since the claim of being taken back in service is rendered infructuous, no grounds for interference are made out.

5. Disposed of with above observations.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 17, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No