

Sr. No.600

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-612-2000 (O&M)
Date of decision: 19.05.2022

Chanan Singh and others

...Petitioners

Vs.

State of Haryana

...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 a writ in the nature of mandamus directing the respondents to grant standard pay scale of clerical cadre to the petitioners from their initial date of joining as Diesel Pump Attendants/Diesel Pump Clerks.

2. Petition was admitted on 16.09.2002.

3. When called out for hearing, there is no representation on behalf of the petitioners. 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, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in para 3 of the reply, which are reproduced herein below for ready reference:-

“ 3. That the matter regarding the advise to be given to the Department in the context of the orders of the Transport Commissioner dated 26.11.98 and 21.01.99, referred to above was discussed in a meeting called by the Chief Secretary on 09.02.2000, in which the Finance Department and the Legal Department were also represented. In the deliberation of the meeting keeping in view the stay orders granted by the Apex Court, it was brought out that it has been the consistent policy of the State Govt. that selection on short term basis through

Employment Exchange is not a substitute for the prescribed procedure of regular recruitments of Class-III employees through the Subordinate Service Selection Board. Therefore even if such employees who had been appointed on adhoc basis through the Employment Exchange and continued as such for some time before regularization, their adhoc service cannot be stated to be regular service after recruitment as per rules. Hence the benefit of such adhoc service cannot be given for the purpose of determining seniority and higher standard pay scale. In the deliberations of the above meeting it was also mentioned that giving benefit of adhoc service towards seniority would necessarily clash with the merit/seniority list drawn up by the Subordinate Service Selection Board, on the basis of the recruitment conducted by them.”

5. I am in agreement with the stand taken by the respondents as aforesaid. 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.

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

7. Dismissed.

19.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No