

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-17069-2022

Date of decision: 04.08.2022

VIKAS KUMAR

...Petitioner

VS

STATE OF HARYANA AND ORS

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, Advocate,
For the petitioner.

Mr. Pankaj Middha, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, working as a clerk in the office of Superintending Engineer, Haryana, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing of impugned letter dated 30.06.2022 (Annexure P-11), whereby petitioner has now been asked to join afresh pursuant to impugned revised final result dated 23.06.2022 (Annexure P-7). He alleges that this shall affect his seniority, pay fixation etc.

2. After the declaration of revised final result, fresh allocation list (Annexure P-10/A) for the post of Clerks was issued. Petitioner was though relieved on dated 01.07.2022, but no appointment letter has been still issued to the petitioner by the new department. Therefore, the petitioner has yet not joined the new place of posting. Learned counsel for the petitioner submits that the petitioner shall suffer a loss of Rs. 2,000/- to Rs. 3,000/- per month on account of refixation of pay. Moreover, petitioner is a handicapped person. He further submits that for mitigation of his grievance, petitioner submitted a representation dated 29.06.2022 (Annexure P-9) but to no avail. Hence, the instant petition.

3. Learned State counsel, on advance service appears and states that competent authority shall take decision either way on the pending representation dated 29.06.2022 (Annexure P-9) in due course.

4. At this stage, learned counsel for the petitioner also agrees that let a final decision be taken, by the competent authority on the pending representation dated 29.06.2022 (Annexure P-9).

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 29.06.2022 (Annexure P9) and take a decision, in accordance with law.

7. Till the decision on the representation dated 29.06.2022 (Annexure P-9) is taken, operation of impugned relieving order dated 01.07.2022 (Annexure P-12) shall remain stayed.

8. As regards the grievance of the not being giving benefit of the earlier service, it is expected of the department that regardless of the petitioner joining new department, for no fault of his, he would be given advantage of the earlier service rendered by him pursuant to the first selection and the revised selection shall not be construed to mean denial thereof.

9. Needless to say, petitioner shall also be accorded continuity of service as well as pay protection.

10. Disposed of accordingly.

(ARUN MONGA)
JUDGE

August 04, 2022,

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No