

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

Date of decision: 19.05.2022

CWP-6979-2014 (O&M)
...Petitioners

Jai Kumar and others

Vs.

...Respondents

State of Haryana and others

CWP-37261-2019 (O&M)
...Petitioner

Satinder Kumar

Vs.

...Respondents

State of Haryana and others

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Sonia G. Singh, Advocate,
For the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Aforementioned two writ petitions are being disposed of vide common order since facts as well as issues involved therein are similar.

2. Petitioners are before this Court seeking issuance of a writ in the nature of certiorari to quash an order dated 07.03.2014 (Annexure P-7) vide which respondent No.4 has declined their claim for transfer/absorption as Lab Technician to the Kalpna Chawla Government Medical College, Karnal on the basis of advertisement dated 06.01.2013.

3. In course of writ proceedings, vide order dated 04.08.2016, my learned brother Tejinder Singh Dhindsa, J. then in seizin of the matter speaking for this Court observed as under:-

“The petitioners who were holding the post of Laboratory Technician (Malaria) and serving under the State Government Health Department had instituted the instant writ petition in the year, 2014 being aggrieved of the action of the State Government

in treating them as ineligible for appointment on transfer basis to the post of Laboratory Technician in the Kalpana Chawla Government Medical College, Karnal.

Apparently, State Government was denying consideration to the petitioners by drawing a distinction between Laboratory Technician and Laboratory Technician (Malaria).

During the course of hearing today, Mr. Ravi Pratap Singh, AAG., Haryana on instructions from Mr. Subhash Goyal, Legal Assistant, Kalpana Chawla Medical College, Karnal would apprise the Court that in pursuance to the impugned advertisement (Annexure P-1) a process of selection had been conducted but no Laboratory Technician had been selected and appointed on transfer basis. Court has further been apprised that the matter is presently under consideration at the hands of the State Government as regards re-advertising the post as also considering Laboratory Technician to be at par with Laboratory Technician (Malaria).

List for further consideration on 17.11.2016.”

4. Apropos above, during pendency of the writ proceedings, vide an administrative order dated 23.11.2016 (Annexure P-10), petitioners were allowed to join on the post of Laboratory Technician, subject of course, to the final outcome of the writ petition.

5. In the interregnum, it transpires that Finance Department has taken a decision in agreement with the proposal of Health Department that both the cadres of Laboratory Technician in general and Laboratory technician in Malaria be merged in order to remove any heartburn amongst the two sets for whatever reasons including the different pay structures which were being earlier applied for different cadres. For ready reference, the decision dated 12.05.2022 is reproduced hereinbelow:-

“Finance department agrees with the proposal of Health Department for merging of both cadres i.e. L.T (Gen.) & L.T. (Malaria). The pay structure of L.T. (Malaria) shall be upgraded at par with L.T. (General) from FPL-4 (2400) to FPL-6 (4200) prospectively.

AD's file is returned herewith.

*Chief Accounts Officer (PR)
For Addl. Chief Secretary to Govt., Haryana,
Finance Department.*

To

*The Addl. Chief Secretary to Govt. Haryana,
Health Department.*

Dated 12.05.2022”

6. In view of the above, proceedings before this Court are rendered infructuous and the same are disposed of with an expectation that the respondents shall accord all the consequential benefits to the petitioners arising out of the decision to merge the two cadres, as aforesaid.
7. It is expected of the respondents that in view of the aforesaid merger, they will be allowed to continue in service.
8. Disposed of accordingly.
9. Pending application, if any, shall also stand disposed of.
10. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

May 19, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No