

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

CWP-535-2017 (O&M)

Date of Decision: 24.08.2022

Dilbag Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Shubham Kashyap, Advocate
for Mr. Sandeep Singal, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for directing the respondents to pay salary to the petitioner for vacation period and also to pay regular pay scales to the petitioner w.e.f. the date of his initial appointment.

2. Learned counsel for the petitioner relies upon the judgment (Annexure P-3) passed in CWP No.13946 of 2004, titled ***Dr. Anil Khurana vs. Maharshi Daya Nand University, Rohtak, decided on 03.09.2013***, to contend that the petitioner is also entitled to salary for vacation period and that he is also entitled to regular pay scales for the period of 3 years commencing prior to the institution of the present writ petition till the date when the services were terminated.

3. Learned State counsel is not in a position to refute the assertions made by the learned counsel for the petitioner.

4. Petition is disposed of. Petitioner shall be paid for vacation period commencing from 3 years prior to the filing of the petition till he remained/remains in service and also for the period of his service beyond the vacation, subject to verification of the fact that services were engaged for the corresponding period. It is further directed that services of the petitioner shall be allowed to continue and his services shall not be substituted with another contractual employee unless the department contemplates to appoint regular employees, which does not appear to have happened in the case in hand as the learned State counsel states that petitioner is working on the post which has been part of the diminishing cadre.

5. Pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

August 24, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No