

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-24146-2022

DATE OF DECISION: 01.12.2022

JAGDISH SHARMA

... Petitioner (s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 06.09.2022 (Annexure P-32), whereby his representation for appointing him as a Clerk w.e.f. 16.12.1996, has been declined.

Learned counsel for the petitioner submits that the petitioner had been appointed as Octroi Clerk in the year 1996 and worked till 14.02.1997 during the strike period of Municipal employees. He was, later on, taken back in service on the recommendation of the Deputy Commissioner, Panchkula but he had been appointed as a Peon although, he should have been treated as Octroi Clerk w.e.f. the date of his original appointment i.e. 16.12.1996. He also submits that the posts of Octroi Clerk were available prior to 2008 and therefore, the petitioner should have been appointed as Octroi Clerk w.e.f. the availability of the post.

Heard.

The petitioner had been appointed as Octroi Clerk for a period of 89 days on 16.12.1996. The services of the petitioner had been terminated

along with the other employees after strike had ended on 14.02.1997, but he was, later on, taken back in service on the post of Peon. The petitioner had filed a civil suit for declaration that he was working as Octroi Clerk w.e.f. 16.12.1996 and he should have been treated as such. He had sought consequential benefits arising therefrom. The suit of the petitioner had been decreed to the extent that defendants were directed to join the petitioner as a Peon within two months from the date of the order and he was to be adjusted at the post of Octroi Clerk as and when the vacancy arises. The decree was challenged by the respondents and the petitioner as well as he had preferred cross appeal. Both these appeals were dismissed on 30.05.2007.

In the impugned order, it has been stated that the petitioner had been adjusted against the vacant post of Clerk on 27.08.2008 and therefore, he cannot be treated to be an Octroi Clerk w.e.f. 16.12.1996. The respondents have already complied with the directions passed in the civil suit and the petitioner has been adjusted as an Octroi Clerk w.e.f. 2008 whereon, vacancy is stated to have occurred.

Therefore, I do not find any infirmity in the impugned order rejecting the claim of the petitioner for appointment as Octroi Clerk w.e.f. 16.12.1996. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

01.12.2022

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No