

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

CWP-25397-2022 (O&M)

Date of decision: December 19, 2022

Ravi Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Ram Karan Agnihotri, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

Mr. R.K.S. Brar, Advocate for respondent No.5-HAFED.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside impugned relieving order dated 04.07.2022 (Annexure P-10), whereby petitioner has been relieved from his present place of posting despite being recommended for selection again; further to set aside impugned letter dated 20.07.2022 (Annexure P-12) issued by the Haryana State Cooperative Supply and Marketing Federation Limited.

2. On 07.11.2022, following order was passed by this Court:-

“Lawyers are abstaining from work.

Petitioner appears in person and submits that despite his selection on the post of Clerk in the previous selection process, which was though later on quashed by this Court, as well as his having been selected even in the subsequent selection carried out pursuant to orders of this Court, he is currently out of job. Notwithstanding, that he has already rendered almost 2 years of service pursuant to the first selection process. Further, for no fault of his, not only he is being deprived of working but has not even been paid salary also for the past 4 months.

Notice of motion for 15.11.2022.

Secretary of respondent No.4- HSSC shall remain present in Court personally on the next date of hearing.

Since the lawyers are abstaining from work, Registry to convey copy of the order through e-mail to the respondents by accessing websites of the department.”

3. *Apropos, Secretary of respondent No.4-Haryana Staff Selection Commission had appeared and following order was passed on 17.11.2022:-*

“Pursuant to Court order dated 07.11.2022, Shri Virat, HCS, Secretary, Haryana Staff Selection Commission is present in Court. He candidly submits that due to some inadvertence, petitioner’s eligibility vis-à-vis his educational qualification as per HAFED Common Cadre Rules, 1988 could not be ascertained before allocating him to HAFED. Owing to which, his appointment letter has been put on hold by HAFED. He submits that matter is being looked into on priority basis and the petitioner shall be deputed in an alternative department within two weeks from today. Further presence of Shri Virat, Secretary, HSSC is exempted.

Post it on 06.12.2022.

Meanwhile, Court be also apprised as to which department will be responsible for payment of arrears of salary, since the petitioner for no fault of his, has not been paid for the past four months. Being successful in the first round of selection, he had rendered two years of service, but in the second round his department was changed resulting in non-payment of salary, despite his being available for work all through out.”

4. On resumed hearing today, learned State counsel has tendered a copy of letter dated 24.11.2022 issued by the Secretary, Haryana Staff Slection Commission, which is taken on record and marked as Annexure ‘A’. He submits that the petitioner was since not eligible as per the HAFED norms to be appointed as Clerk in the said organisation, therefore, he has now been given alternate Department.

- 4.1. Further, learned State counsel submits that on fresh consideration of the matter, a decision has been taken that interim period of a candidate, who was recommended for selection vide previous result as well as revised result and was in the interregnum made to wait *qua* his joining in the new

Department, shall be treated as ‘Compulsory Waiting Period’ as per Rule 8(10) of the Haryana Civil Services (General) Rules, 2016. As regards salary, the same shall now be disbursed to the respective candidates in view of the aforesaid decision.

5. In the aforesaid premise, nothing survives for consideration.
6. Disposed of, accordingly.
7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

December 19, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No