

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204 (02 Cases)

(1)CM-17364-CWP-2022 in/&
CWP-29414-2017

Vijender Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(2) CM-17369-CWP-2022 in/&
CWP-8478-2018

Surinder Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

Date of Decision :11.11.2022

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Goyal, Advocate for the petitioner(s).

Mr. Rajesh Gaur, AAG, Haryana.

Mr. D.S. Nalwa, Advocate for respondent No.3.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present writ petitions, the grievance which is being raised
by the petitioners is that the petitioners were appointed with the respondent

No.3-Parishad in pursuance to advertisement issued in the year 2012 but after some time, they were relieved from service on 08.06.2016 and, thereafter, keeping in view the representations filed by the employees, the respondent-Parishad reconsidered the matter and again granted a fresh contractual package to the petitioners vide order dated 30.09.2016 (Annexure P/6).

The grievance of the petitioners is that by the grant of fresh contractual package, earlier services which the petitioners had rendered with the respondent No.3/Parishad has been washed away and due to said act of the respondents, the petitioners are suffering with regard to the grant of various benefits, which were based upon the total length of service of the employee, keeping in view the bye-laws governing the service applicable in the respondent No.3-Parishad.

Learned counsel for the petitioners submits that during the pendency of the present writ petition, the respondents again considered the said fact and passed order dated 29.06.2022 that the period for which the employees including the petitioners remained out of service, will be taken into account for future benefits subject to the condition that no financial benefit for the period from 08.06.2016 to 03.10.2016 shall be claimed by the employees. Learned counsel for the petitioners further submits that an undertaking was required to be filed by the employee concerned to claim the benefit under the decision dated 29.06.2022 that they are agreeable to the said proposal. Thereafter, vide order dated 05.07.2022 having endorsement dated 20.10.2022, the same decision was again reiterated by the respondent-Parishad subject to filing of an undertaking by the employees concerned.

Learned counsel for the petitioners submits that on the same date i.e. 20.10.2022, said order dated 05.07.2022 having endorsement dated 20.10.2022, was withdrawn, which is causing prejudice to the petitioners, though, the matter is still pending consideration with the authorities concerned.

Learned counsel for respondent No.3/Parishad submits that though, at one given point of time, representations were received from the employees concerned and it was decided to grant the employees benefit of earlier services subject to filing of an undertaking by the employees concerned that they will not claim financial benefit for the period they remained out of service but as all the employees have not filed the said undertaking/ affidavit and the matter was pending before this Court with regard to the grant of benefit of earlier service, the said decision was withdrawn.

Learned counsel for the petitioners submits that once the respondents had taken a decision dated 05.07.2022 having endorsement dated 20.10.2022 but the same was withdrawn keeping in view the fact that all the employees did not file affidavit, the petitioners intend to approach the respondents authorities for the grant of the benefit in terms of order dated 05.07.2022 having endorsement dated 20.10.2022 to the employees, who agreed to the terms and conditions imposed in the said letter hence, the present petitions be disposed off with the direction to the respondent-Parishad that in case the petitioners raises any claim by filing any representation, the same be decided in a time bound manner.

Keeping in view the above, the present writ petitions are

disposed off with the direction to the respondent-Parishad that in case the petitioners approach the respondent-Parishad raising any grievance as well as grievance that order dated 05.07.2022 having endorsement dated 20.10.2022 be brought into operation again to be implemented in letter and spirit, an appropriate order be passed by the respondent-Parishad as required under law keeping in view the facts and circumstances of this case within a period of 08 weeks from the date of receipt of any such grievance.

**CM-17364-CWP-2022 &
CM-17369-CWP-2022**

Present applications are disposed off having been not pressed any further.

A photocopy of this order be placed on the file of connected case.

November 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No