

CWP No.3987 of 2023 (O&M)

[1]

2023:PHHC:072319

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

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CWP No.3987 of 2023 (O&M)

Date of decision:18.05.2023

Sushil Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

Mr. Amit Siwach, Advocate for
Mr. Vikram Singh Punia, Advocate
for respondent No.5.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to allow the petitioner continue in service on the post of Gram Sachivalya Chowkidar/Assistant on consolidated salary.

2. Counsel for the petitioner submits that with the change in the composition of the Gram Panchayat after the recently held elections, petitioner is likely to be removed from the service without following the due course of law.

3. Notice of motion.

4. On asking of the Court, Mr. Pankaj Middha, Addl.A.G., Haryana accepts notice on behalf of respondents No.1 to 4. Mr. Amit Siwach, Advocate for Mr. Vikram Punia, Advocate accepts on behalf of respondent No.5.

5. Counsel representing respondent No.5 submits that he has filed reply to the writ petition alongwith application bearing C.M.8729-2023. Reply is taken on record. In the reply filed by respondent No.5, it has been *inter alia* submitted as under:-

“3. That pertinently, there is no cause of action in the present petition as the answering respondent does not intend to change the service condition of the petitioner till the formulation of the policy by the Government in this regard and whatever policy is framed decision regarding the service of the petitioner will be taken accordingly. Therefore, the relief sought in the present petition is merely on the basis of unfounded apprehension entertained by the petitioner without any credible basis.”

6. In view of the stand taken by the Gram Panchayat, counsel representing the petitioner submits that writ petition may be disposed of. He, however, submits that the petitioner has not been paid salary since January, 2023.

7. In view of the above, writ petition is disposed of with a direction to respondent No.5 to pay up-to-date salary due to the petitioner, in

case, it has not been done so far, provided there is no legal impediment in doing so.

May 18, 2023
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No