

CWP No.3704 of 2023

[1]

2023:PHHC:067101

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP No.3704 of 2023

Date of decision:10.05.2023

Sudama

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

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

SUVIR SEHGAL, J. (Oral)

1. By way of present petition, petitioner has approached this Court *inter alia* for directing the respondents to permit him to join duty and for grant of all consequential benefits.

2. Counsel for the petitioner submits that the petitioner was selected for the post of Clerk in the General category pursuant to Advertisement No.5/2019 (Annexure P-1) and joined the services with Directorate of Micro, Small and Medium Enterprises, Panchkula. He submits that pursuant to order dated 25.04.2022 (Annexure P-4) passed by this Court, result was revised and petitioner's roll number figured in the revised result (Annexure P-8). Petitioner was relieved from the post of Clerk on 20.07.2022 and thereafter, he was allotted the Excise and Taxation Department. He submits that the petitioner approached this Court as the

petitioner was not being permitted to join the services. Counsel submits that during pendency of the petition, petitioner has joined with Excise and Taxation Department, but he is not being granted the consequential benefits. He has made a reference to order dated 09.05.2023 passed by this Court in CWP No.18980 of 2022 titled as '**Sushil Vashist and others Vs. State of Haryana and others**' to submit that Govt. has taken a decision to grant seniority as well as to protect the pay of all similarly placed employees, who have been selected pursuant to the High Court orders.

3. I have heard counsel for the parties.

4. By order dated 09.05.2023, in **Sushil Vashist's case (supra)**, this Court noticed the instructions produced by the State. Relevant extract of the instructions is reproduced as under:-

"3. The matter has been considered by the State Government and it has been decided that past service of such Clerks who were recommended against the Advt. No.05/2019, Cat.1 in both merit lists, shall be counted for the purpose of seniority and pay protection, irrespective of the fact that they have been allotted same or different department.

4. It is therefore, advised that necessary action to fix the pay in all such type of cases be taken as per provision contained in Rule 10(ii) of the Haryana Civil Services (Pay) Rules, 2016 on case to case basis."

5. Noticing the prayer made by the petitioner and the stand taken by the State, writ petition is disposed of with a direction to the respondents

to release the arrears of salary due to the petitioner within a period of four months from the date of communication of copy of this order, if not released so far.

May 10, 2023
savita

(SUVIR SEHGAL)
JUDGE

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