

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

(104+241)

CM-18237-CWP-2021 in/and
CWP-7587-2021
Date of Decision : August 22, 2023

Bharat Kaushik and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(2)

CWP-8084-2021

Sandeep Kumar and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(3)

CWP-8245-2021

Dr. Subhash Chander and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(4)

CWP-8623-2021

Ranjana and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(5)

CWP-9878-2021

Neha

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(6)

CWP-8624-2021

Saikul Ahmed and others

.. Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jasbir Mor, Advocate, for the petitioners
in CWP-7587-2021.

Mr. Ajay Shekhawat, Advocate, for the petitioners
in CWP-8084-2021.

Mr. R.K. Malik, Sr. Advocate, with
Mr. Sandeep Dhull, Advocate, for the petitioners
in CWP-8245-2021.

Mr. Suubham Kashyap, Advocate, with
Mr. Sandeep Singal, Advocate, for the petitioners
in CWP-9878-2021.

Mr. Talim Hussain, Advocate, for the petitioners
in CWP-8624-2021.

None for the petitioners in CWP No.8623 of 2021.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-18237-CWP-2021

As prayed for, the application is allowed.

Replication to the written statement filed on behalf of
respondents No. 1 to 3 and Annexures p-24 to P-26 are taken on record.

CWP-7587-2021 and other connected cases

1. By this common order, six writ petitions, the details of which
have been given in the heading, are being disposed of as all the petitions
involve the same question of law on similar facts.

2. In the present petitions, the prayer of the petitioners is that they should be allowed to continue in service till the posts in question are filled by regular appointment and they should be granted salary keeping in view the instructions issued by the Government of Haryana dated 03.11.2017 allowing the minimum of the pay scale but without any allowances.

3. Learned counsel for the respondents submits that nothing has been brought before this Court to prove that the petitioners are entitled to continue till the posts are filled on regular basis as it is in the jurisdiction of the respondent-State whether to fill the post on regular basis or not even if the said posts are lying vacant.

4. Learned counsel for the respondents further submits that only right with the petitioners is claim continuation till the work exist as per the norm fixed by the Government of Haryana.

5. Learned senior counsel appearing on behalf of the petitioners submits that the petitioners have no objection in case, the respondents consider the claim of the petitioners for continuing in service keeping in view the norm fixed by the Government of Haryana so as to opine whether the work of the post against which the petitioners are working exists or not and the respondents be directed to pass appropriate order on the said issue and till any such order is passed, the petitioners be allowed to continue.

6. Keeping in view the above, as some of the petitioners are already continuing in service under the orders of the Court, the present petitions are disposed of with a direction to respondent No.2 to pass appropriate speaking order as to whether the work on the post in question against which the petitioners are working or were working, exist keeping in view the norm fixed by the Government of Haryana so that the petitioners

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can be allowed to continue or not. Let the said speaking order be passed within a period of eight weeks of the receipt of certified copy of this order.

7. In case after the passing of the speaking order, the respondent-Department come to the conclusion that the work on the post against which the petitioners are working/were working exists, the petitioners be allowed to continue till the work of the post exist or till regular selection is made, whichever is earlier.

8. It may be noticed as a matter of precaution that continuance of the petitioners till the work exist will also depend upon the good conduct of the petitioners so as to discharge their duties in accordance with law.

9. With regard to the claim of the petitioners for the grant of salary as envisaged under the instructions dated 03.11.2017, while considering the claim of the petitioners to allow them to continue, appropriate order on the said issue will also be passed by the respondents as to whether the petitioners are entitled for the salary as per the instructions dated 03.11.2017 or not. In case the petitioners are found entitled for any arrears of salary keeping in view the instructions dated 03.11.2017, the same will also be released in favour of the petitioners within a period of two months from the decision so taken by the Government of Haryana.

All the writ petitions are disposed of in above terms.

August 22, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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