

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CWP-10285-2020
Date of Decision: 30.11.2023

Ajit Singh

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Dhiraj Chawla, Advocate for the petitioner
Mr. Rohit Arya, DAG, Haryana
Mr. Arvind Seth, Advocate for respondent No.3

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a direction to respondent No.3 to confirm the petitioner on the post of Sub Divisional Engineer (SDE), protect his pay and grant the benefit of past service at the earliest as he was selected/appointed through proper channel.

2. As per facts apparent on record, the petitioner worked as Junior Engineer from 08.04.1996 to 01.03.2007 in Panchayati Raj Department, Government of Haryana. While working there, he applied through proper channel for the post of Assistant Engineer (Civil), which was advertised by the Haryana Staff Selection Commission. On being selected, he was appointed as such in the Public Health Engineering Department, where he worked from 02.03.2007 to 27.08.2009, and was given all benefits for the service rendered as Junior Engineer in the Panchayati Raj Department. Later, pursuant to an advertisement for the post of SDE (Civil) issued by Haryana Shehri Vikas

Pradhikaran (HSVP), then known as Haryana Urban Development Authority (HUDA), he applied for the same through proper channel, and was selected also. He joined as SDE in HSVP on 27.08.2009, and was later promoted as Executive Engineer on 13.10.2017. It is contended that the petitioner has been selected as SDE in HSVP through proper channel on a regular post but has not been given pay protection. His representations to that effect have also not been decided so far.

3. Learned counsel for respondent No.3 by referring to the short reply dated 22.03.2021 filed on his behalf, contends that the petitioner's case of protection of pay was sent to Principal Secretary to Government of Haryana, Town and Country Planning Department, to decide the same after seeking advice from the Finance Department. The matter is still pending there, and only on that account pay protection has not been given to the petitioner.

4. In this view of the matter, learned counsel for the petitioner submits that at this stage the petitioner will be satisfied in case the Principal Secretary is directed to decide the pending case of the petitioner's pay protection within a specified period. On his request, Principal Secretary to Government of Haryana, Town and Country Planning Department, Haryana, is ordered to be impleaded as respondent no.4 in the array of parties to the petition. Registry is directed to carry out necessary correction in the memo of parties.

5. Learned State counsel, accepts notice on behalf of newly added respondent no.4.

6. In view of the submissions, the petition is disposed of by directing respondent no.4/Principal Secretary to Government of Haryana,

Town and Country Planning Department, Haryana to take a final decision on the petitioner’s case for pay protection within a period of two months. And on that basis, respondent no.3 shall pass appropriate order, in accordance with law, for giving due benefits to the petitioner, within four weeks therefrom.

(TRIBHUVAN DAHIYA)
JUDGE

30.11.2023
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>