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2023:PHHC:109600

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-15653-2018 (O&M)
DECIDED ON: 2nd AUGUST, 2023

VINOD KHARB AND ANOTHER

PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rakesh Sobti, Advocate
for the petitioner No.1.

Mr. Gaurav Jindal, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Articles 226 and 227 of the Constitution of India has been invoked seeking a writ of *Certiorari* for quashing of the letter dated 21.05.2018 (Annexure P-5) vide which the petitioner No.1 was relieved from the post of Cricket Trainer with further prayer for issuance of a writ in the nature of *Mandamus* directing the respondents to allow the petitioner No.1 to continue on the said post and also to release his salary for the period he worked i.e. March and April, 2018.

2. It is asserted by learned counsel for the petitioner No.1 that he was appointed to the post of Cricket Trainer and is working on the said

post. He is being paid a consolidated salary instead of granting him pay-scale to the post in violation of 'Equal Pay for Equal Work'. It is further asserted that the petitioner No.1 has been relieved from service and respondents are not allowing him to continue further and has not been paid salary since March, 2018. He placed reliance upon the judgment of the Supreme Court in a case *“Hargurpartap Singh vs. State of Punjab and others”*, 2007 (13) SCC 292.

3. Mr. Gaurav Jindal, learned Addl. AG, Haryana has contended that on a request of petitioner No.1-Varun Kharb he was engaged as Cricket Trainer for a period three months only on temporary basis, as the selection of junior coaches were made by the Haryana Subordinate Services Selection Commission and the names of the selected candidates were sent to the department for posting. The petitioner No.1 worked with the department as Cricket Trainer w.e.f. 25.11.2017 to 28.02.2018 and was being paid a fixed remuneration of Rs.8000/- per month for the limited period of three months. It is asserted that now the services of the petitioner No.1 is not required by the department as Mr. Parmod Kumar, was appointed as regular incumbent on the post of Cricket Coach and has joined the duties on 06.02.2018 and nothing is due against the petitioner no.1 and all the wages have been paid by the respondents.

4. Heard learned counsel for the respective parties.

5. From the reply filed by the State it is crystal clear that the petitioners were engaged at a fixed remuneration of Rs.8000/- per month for a limited period of three months and now their services are not required by the department as the regular incumbent has joined the services on

06.02.2018. The wages for the period they had worked with the Council as Trainer have already been paid to them and nothing is due against them. So far as the pay scale equivalent to regular employee is concerned, the petitioners are not entitled for the same as they were engaged on fixed remuneration and have not acquired the requisite qualifications of coaches.

6. In view of above submissions made, the present petition stands dismissed with liberty to the petitioner No.1 to move appropriate application before the respondents to claim salary for the alleged two months, if, he is entitled to the same, the State Government shall consider the same within a period of one month thereafter and pass a speaking order in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

2nd AUGUST, 2023
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|---------------------------------|----------|
| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |