

CWP No.18980 of 2022

[1]

2023:PHHC:066922

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CWP No.18980 of 2022

Date of decision:09.05.2023

Sushil Vashist and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Sandeep Thakan, Advocate  
for the petitioners.

Ms. Shruti Jain Goyal, DAG, Haryana.

**SUVIR SEHGAL, J. (Oral)**

1. Petitioners have approached this Court *inter alia* questioning the action of the respondents, whereby, they are being relieved from the post of Clerk on the recommendation of the Haryana Staff Selection Commission. During the pendency of the petition, on the basis of revised result, as the petitioners were found to be successful, their names were recommended and they were allocated to various State Departments, Boards, Corporations etc.

2. The remaining grievances of the petitioners regarding counting of past service and protection of pay, have been redressed by the Government. State counsel has placed on record a copy of instructions dated 21.04.2023, relevant extract of which 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.”*

3. At this stage, counsel for the petitioners submits that salary of the petitioners for the interregnum has not been released.
4. As Govt. has decided, in principle, to grant the benefit of seniority and pay protection to the petitioners, writ petition is disposed of with a direction to the respondents to release the arrears of salary due to the petitioners within a period of four months from the date of communication of copy of this order, if not released so far.
5. Pending application(s), if any, shall stand disposed of.

May 09, 2023  
savita

(SUVIR SEHGAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |