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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12333-2024(O&M)
Date of decision: 30.07.2024

Virender Kadyan

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sajjan Singh, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned orders dated 22.06.2012 (Annexure P-12) and 12.02.2024 (Annexure P-18) whereby the claim of the petitioner for pay protection has been declined.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner wants pay protection for the service he had rendered in the earlier Organization in view of the provisions of the Haryana Civil Services (Pay) Rules, 2016 which are so applicable to the respondent-Corporation. He submitted that some other similarly situated persons have also been granted the pay protection by applying the aforesaid rules but when the case of the petitioner was to be considered, then it has been referred to the Finance Department and no decision has been taken and rather



when the impugned order (Annexure P-18) has been passed, the same is a two lines non-speaking order with one stroke of pen. He submitted that a direction may be issued to respondent No.4 to consider the prayer of the petitioner pertaining to grant of pay protection and pass a speaking order in this regard.

- 3. Notice of motion.
- 4. Ms. Rajni Gupta, Additional Advocate General, Haryana accepts notice on behalf of respondents No.1 to 3 and 5 and Mr. Gaurav Jindal, Advocate has appeared on behalf of respondent No.4 and filed his memo of appearance which is taken on record. They have submitted that they have no objection in case the grievance of the petitioner is considered and decided by passing a speaking order by respondent No.4/competent authority.
- 5. In view of the aforesaid facts and circumstances and the limited prayer of the learned counsel for the petitioner that the grievance of the petitioner be considered and decided by respondent No.4/competent authority, a direction is issued to respondent No.4 to consider and decide the grievance of the petitioner pertaining to grant of pay protection. Needless to say that while considering and deciding the grievance of the petitioner, the concerned competent authority will also take into consideration the aforesaid submissions made by the learned counsel for the petitioner that the similar situated persons have been granted the same relief. The aforesaid order shall be passed after hearing the petitioner or his counsel within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

30.07.2024
rakesh

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