

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CM No.14227-CWP of 2023 and
CM No.11153 of 2023 in/and
CWP No.30392 of 2022 (O&M)
Date of Decision : 29.08.2023

Asha and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sangita Dhanda, Advocate for the petitioners.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM No.11153 of 2023 & CM No.14227-CWP of 2023

CM No.11153 of 2023 has been filed by the respondents for vacating interim stay order dated 09.01.2022 and CM No.14227-CWP of 2023 has been filed by the petitioners for seeking direction to release the salaries of the petitioners.

Learned counsel for the petitioners prays for preponing of the main case today itself from 31.10.2023.

Keeping in view the oral request of learned counsel for the parties, the main case is taken up for hearing today and the present applications are disposed of as such.

CWP No.30392 of 2022

The present petition has been filed raising a grievance that the petitioners who are already working with the respondents, are being replaced with the similar set of employees, which is impermissible.

Learned counsel for the petitioners further submits that though the respondents were restrained from terminating the services of the petitioners and they are continuing in service even as of now but they have not been paid their salary hence, the respondents are under obligation to release the salary of the petitioners for the period for which they have discharged the duties.

Learned State counsel submits that the advertisement Annexure P-7 issued in November, 2022 has already lapsed and no action is being taken in pursuance to the said advertisement hence the claim of the petitioners that they are being replaced by other employees is infructuous.

With regard to the grant of pay, learned counsel for the State submits that in case the petitioners have not been paid for any period for which they have discharged duties, let the petitioners raise the said grievance before the authorities concerned by filing an appropriate representation and in case any such representation is received, the same will be disposed of within a period of eight weeks of the receipt of any such representation by passing appropriate speaking order and in case, the petitioner is found entitled for any benefit after the passing of the speaking order, the same will also be extended to the petitioners within a further period of four weeks.

Learned counsel for the petitioners submits that keeping in view the statement of learned State counsel, the present petition may be disposed of as having been not pressed with liberty as prayed for.

Ordered accordingly.

August 29, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No