



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

CWP-21599-2025

Decided On: 20.08.2025

SANT KUMAR

....PETITIONER(s)

Versus

CHIEF SECRETARY TO GOVERNMENT OF HARYANA AND
OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sunil Kumar Dhanda, Advocate for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 26.06.2025, Annexure P-9, whereby the petitioner's claim for grant of pay scale of Assistant, instead of Clerk, with effect from 20.08.2020 to 31.07.2024 has been rejected. The petitioner has worked in the Department as Clerk, and has claimed the pay scale of Assistant for the period aforementioned as he was statedly assigned the current duty charge for the post during that period.

2. Learned counsel for the petitioner referred to an office order dated 20.08.2020, Annexure P-1, whereby the petitioner was allocated the complete work relating to the establishment of Class IV employees, Clerical staff and Lab Assistants. He also referred to another office order dated 25.09.2023, Annexure P-4, whereby the petitioner was allocated all work related to RTI in the office. By relying upon these office orders, it is claimed that he actually worked as Assistant and, accordingly, becomes entitled to pay scale meant for the post also.

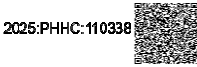


3. Learned State counsel, on the contrary, contends that there is no order assigning current duty charge to the petitioner of the post of Assistant. The orders being referred to only show allocation of specific work by the higher officers, which is as per the Government of Haryana Manual of Office Procedure Part-I, which lists clerical duties to be assigned. Para 3.14 thereof prescribes that a Clerk can be assigned duties of a specific subject or may be asked to do any other work assigned by Section Incharge. She also contends that the petitioner's representation claiming the scale of Assistant, has been duly considered and rejected vide impugned order dated 26.06.2025, by recording as under:

That on 20.08.2020, the District Education Officer, Panipat passed an order whereby the work was distributed within the staff of District Education Office Panipat, Sh. Sant Kumar, Clerk was allotted the work related to the establishment of class-IV employees, clerical staff and Lab Assistants.

That periodically the work in office of District Education Office was distributed. Accordingly on dated 10.03.2022 and 25.09.2023, the work was re-distributed by the concerned District Education Officer i.e. District Education Officer Panipat for smooth functioning of the office.

Further, it is also pertinent to mention here that as the petitioner is claiming that he was given the Current Duty Charge on the post of Assistant at District Education Office, Panipat whereas as per the record, the current duty charge on the post of Assistant was never assigned to the petitioner by competent authority. He was only allotted the work related to specific subject after his joining in the office of District Education Office, Panipat on 17.08.2020 in compliance of Online Ministerial Staff Transfer Policy, 2020. Further, the work distribution was reorganized from time to time by the District Education Officer, Panipat within the staff of the office for smooth functioning of the office. Accordingly, the work allotted to Sh. Sant Kumar was



also reorganized periodically till the date of his retirement i.e. 31.07.2024 after attaining the age of superannuation.

4. Heard.
5. It remains undisputed that there is no specific order by any officer or authority assigning the current duty charge as Assistant to the petitioner during service. The office orders relied upon by learned counsel for the petitioner only show allocation of specific work to the petitioner in discharge of his duties as Clerk, which cannot be termed ‘current duty charge’ so as to entitle him to pay scale meant for the post of Assistant.
6. In view thereof, there is no ground to entertain the petition and it stands dismissed *in limine*.

20.08.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No