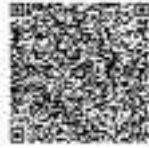


2025.PHHC.003871



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

117

CWP-34718-2024

CHANDRAWATI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

A N D

120

CWP-35103-2024

Date of Decision: 14.01.2025

SAVITA KUMARI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Jasbir Mor, Advocate
for the petitioner(s).

Ms. Tanisha Peshawaria, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Raising identical issues, both these writ petitions are being decided by a common order with the consent of counsel for the parties. The brief summary of facts is however being extracted from CWP-34718-2024 titled as Chandrawati Versus State of Haryana and others.

The petitioner in the abovesaid petition has approached this Court for seeking an issuance of a writ in the nature of Mandamus directing the respondents to release the salary of the petitioner w.e.f. 11.03.2024 alongwith interest, which has been wrongly withheld by the respondents ever since the

date of her joining due to an alleged non-verification of her Sports Gradation Certificate and for no fault on the part of the petitioner, despite the respondent No.6 i.e. District Sports and Youth Affairs Officer, Jind having already conveyed about the correctness of Sports Gradation Certificate issued in favour of the petitioner vide letter dated 16.10.2024.

Learned counsel for the petitioner contends that the petitioner is an eligible sports person and she had scored position in the following sports competitions:

- (i) 14th Haryana State Netball Championship held at Rohtak from 11.12.2004 to 12.04.2004 and was issued the certificates dated 11/12.04.2004 and 14.12.2004.
- (ii) 20th Senior National Netball Championship held at Faridabad from 24.12.2004 to 27.12.2004.

Based upon the aforesaid sports competition viz. 20th Senior National Netball Championship, the petitioner was issued “B” and “C” Grade Sports Gradation Certificates dated 02.07.2008 and 15.07.2019 as per the old and new sports policy, respectively.

He further submits that the Haryana Staff Selection Commission, Panchkula issued the advertisement No.1/2023 inviting online applications for Group ‘D’ posts. The petitioner applied under the General-ESP Category. She cleared the CET-2023 under Roll No.45816304. Based on her merits, the name of the petitioner was recommended by the Haryana Staff Selection Commission- Respondent No.9 for selection and appointment as a Group -D employee. The petitioner was found medically fit and was allowed to join her duties in the office of Deputy Commissioner, Jind on 11.03.2024 whereupon

she was put on an election duty. She is presently posted in the office of Naib Tehsildar, Pillukhera, Tehsil Safidon, District Jind and has been continuously performing her functions/duties assigned to her. She has however not been paid the salary despite lapse of a period of nearly 10 months i.e. since the date of her joining on the ground that the Sports Gradation Certificate dated 15.07.2019 is yet to be verified by the respondent-Sports Department. The same has been denied despite the fact that in the letter dated 16.10.2024 issued by the District Sports & Youth Affairs Officer, Jind, whereby it has been specifically informed that the Sports Merit Certificate in respect to her achievement in the game of Netball in 20th Senior National Netball Championship held at Faridabad held w.e.f. 24.12.2004 to 27.12.2004 were found to be correct and genuine and it was also mentioned therein that the petitioner had got a Gold Medal in the same.

Learned counsel for the petitioner contends that once the District Sports & Youth Affairs Officer, Jind has already verified the factum of the petitioner having participated in the aforesaid game and the Sports Merit Certificate having been issued in her favour, there was no reason or justification in withholding the salary on the pretext of non-verifying of the Sport Gradation Certificate dated 15.07.2019.

The matter earlier came up for hearing on 19.12.2024 when the State Counsel was directed to seek instructions in this regard.

On resumed hearing, learned State Counsel informs that they have already forwarded a letter to respondent No.2- Director General of Sports & Youth Affairs, Haryana Panchkula for verification of the Certificates and that the response is still awaited. Rest of the averments as noticed above are,

however, not disputed by her at this stage. She does not dispute that the petitioner has since then been working in the office of Deputy Commissioner, Jind and having worked against the said post, there is no reason as to why the salary for the period, for which she has discharged her duties, be denied to her. It is also not in dispute that a legal notice dated 04.11.2024 has already been served upon the respondent-Authorities by the petitioner. She further submits that an expeditious decision shall be taken after receipt of verification report and the salary shall be released thereafter.

Counsel for the petitioner contends that the petitioner is working without salary against a Group-D post and it is getting hard for her to make her ends meet. The respondents are not adhering to any timelines and have inordinately delayed her salary for reasons not attributable to her.

Taking into consideration the circumstances noticed above as also the *prima facie* case set up by the petitioner establishing her claim for release of salary, the present petitions are disposed with a direction to the respondents to complete the process of verification of the Sports Gradation Certificate in a time bound manner and preferably within a period of three months of the receipt of certified copy of this order.

In the meanwhile, the respondents are also directed to release the payable salary of the petitioner, subject to final outcome of process of the verification of Sports Gradation Certificate(s) of the petitioners and without prejudice to the claim of the State, if any, within a period of two months of the receipt of certified copy of this order, failing which, the respondents shall be liable to pay interest @ 6% per annum for the delayed release of salary to the petitioners.

It is further made clear that non-compliance of this order shall entail a penal cost of Rs.50,000/- on the official(s) responsible for the delay, which shall be deposited with the Poor Patients Welfare Fund, PGIMER, Chandigarh.

Petitions stand disposed of accordingly.

JANUARY 14, 2025.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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