

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

CWP-16874-2001 (O&M)

Date of decision: August 31, 2022

Kalyan Singh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Advocate for the petitioners.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of mandamus directing respondents to count the service rendered by the petitioners as junior Engineers prior to 27.01.1994 towards the calculation of period of 15 years/5 years regular satisfactory service for grant of selection grade of Rs. 2000-3000 and two additional increments.

2. Petition was noticed for hearing vide order dated 27.02.2002.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

4. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioners are not admissible. Reference may be had in particular to the stand taken in

Para-1 of the preliminary objection of written statement filed on behalf of respondents No.1, 2 and 3 and the same reads as under:-

“1. That the petitioners were appointed as Sectional Officers / Building Inspectors in the Department of Town & Country Planning Haryana with certain qualifications. The main duties and responsibilities of these Sectional Officers / Building Inspectors is to check unauthorised-constructions and make surveys and have no work which can be equated with the duties and responsibilities of Junior Engineer in Public Works Department (Building & Roads) or other Department in Govt. of Haryana, hence, they can not claim parity with the Junior Engineer of other Departments. The Department of Town & Country Planning Haryana, redesignated the post of Sectional Officer / Building Inspector as Junior Engineer w.e.f. 20.01.1994 and earlier to 20.01.1994, there was no post of Junior Engineer in the Department of Town & Country Planning, Haryana so the petitioners could not be given the benefit of the past service as Junior Engineer. The petitioners have been given all the benefits as per Technical (Group C) Service Rule 1996 of the Department of Town and Country Planning w.e.f. 20.01.1994 (including the pay scale of Junior Engineer). Therefore the writ is wholly misconceived and is liable to be dismissed on this ground alone.”

5. Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-

noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

August 31, 2022
monika

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