

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Order No. 17/346-2022 TGT R&A (4) Dated Panchkula, the 9.01.2023

Whereas Sh. Nitin and Others had filed the CWP No. 25421 of 2022 titled as Nitin and Others vs State of Haryana and Another *inter alia*, praying for issuance of a writ in the nature of Mandamus directing the Respondents to grant the benefit of past service to the petitioners for the period from May 2010 to June, 2020 in the fixation of the pay and fix their pay on their subsequent appointment on the same post/identical post and in the same pay scale at the stage/level they are drawing at the time of termination of their services in terms of Rule 10, 11 and 72 of Haryana Civil Services (Pay) Rules and release arrears of pay with market rate of interest from the due date till the date of realization. The same was listed on 07.11.2022 and Hon'ble High Court was pleased to dispose the present writ petition with following directions:-

“In the present writ petition, the grievance of the petitioners is that they were initially appointed against the post of PTI in the year 2006, which selection was set aside and they have again been selected in the fresh selection and therefore, the period which they spend on duty in pursuance to the earlier selection be considered and given the benefit in respect of their pay and other service benefits.

From the perusal of the pleadings, it transpires that for the same request, the petitioners have already approached the respondents by filing a legal notice dated 03.10.2021 (Annexure P-15), which is still pending consideration with

the respondents and the interest of justice will be served, at this stage, in case a time bound direction is issued to respondent No. 2 to decide the said legal notice by passing an appropriate speaking order.

Without expressing any opinion on the merits of the case and entitlement of the petitioners in respect of the claim made in the writ petition/legal notice, respondent No. 2 is directed to decide the legal notice dated 03.10.2021 (Annexure P-15), within a period of eight weeks from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of.

After examination of matter, it is submitted that the Department of Elementary Education Haryana in pursuant to the order dated 08.04.2020 passed by Hon'ble Supreme Court of India in Civil Appeal No. 2103 of 2020 (arising out of SLP © No. 35373 of 2013- Ramjit Singh Kardam and others vs. Sanjeev Kumar and others) the requisition in reference to Advt no. 6/2006 was quashed to complete the whole selection process again within five months. In compliance of order dated 08.04.2020, Haryana Staff Selection Commission in reference to advertisement no. 6/2006 dated 29.07.2006 Category 23 for the post of PTI has notified again this advertisement in the form of public notice dated 15.05.2020 wherein the last date for submission of the application was fixed on dated 10.06.2020.

As fresh appointments have been given to these representationists/petitioners, hence, the past service of the representationists/petitioners cannot be counted for any consequential or incidental benefit.

Considering the above facts and circumstances and examining the legal notice dated 03.10.2021 (Annexure P-15), the claim of the representationists/petitioners for grant the benefit of past service cannot be accepted, hence, denied.

I pass an order accordingly.

Place: Panchkula

Dated: 9.01.2023



(Anshaj Singh)
Director Elementary Education
Haryana, Panchkula

Regd.

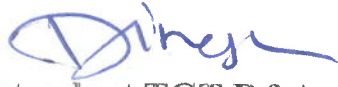
**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Endst. No. 17/346-2022 TGT R&A (4)

Dated Panchkula, the 17-1-2023

A Copy of speaking order dated 9.01.2023 passed by Director, Elementary Education Haryana, Panchkula in compliance of decision dated 07.11.2022 of CWP No. 25421 of 2022 titled Nitin and others Vs State of Haryana and Another is forwarded to following for information and necessary action.

1. District Elementary Education Officer, Hisar, Karnal, Fatehabad, Jind, Kaithal, Rohtak, Soipat, Ambala, Bhiwani, Jhajjar.
2. Petitioners concerned.
3. IT Cell.


Superintendent TGT R&A
For Director Elementary Education,
Haryana, Panchkula

