



2025:UHC:8618

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS No. 2448 of 2024 With WPSS No. 579 of 2024 WPSS No. 2494 of 2024 WPSS No. 32 of 2025 WPMS No. 774 of 2025 WPMS No. 775 of 2025 <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. V.B.S. Negi, learned Senior Counsel with Mr. Bhuwan Bhatt, Vikas Pande and Mr. Yogesh Kumar Pacholia, learned counsel for the petitioners. 2. Mr. Narayan Dutt, learned Standing Counsel for the State of Uttarakhand. 3. Mr. Neeraj Garg, learned counsel for the respondent-UPNL. 4. Mr. Sandeep Kothari, learned counsel for the respondent-University. 5. Since common questions of fact and law are involved in these petitions, therefore, these petitions are clubbed together and decided by this common judgment. However, for the sake of brevity and convenience, facts of WPSS No. 579 of 2024 alone are being considered and discussed. 6. Writ Petition (S/S) No. 579 of 2024 is filed by 44 persons, who were engaged on contract through UPNL for performing duties of Group 'C' and Group 'D' employees. According to petitioners, they were engaged in Uttarakhand Ayurved University between 2013 to 2021 and they continuously served as such, to the satisfaction of all concerned, till January, 2024. 7. According to petitioners, in January, 2024, they were disengaged form service without any rhyme and reason. Feeling aggrieved by their disengagement, petitioners filed this writ petition seeking the following reliefs:-



2025:UHC:8618

			(i) issue writ order or direction in the nature of mandamus directing the respondent no. 1, 2 and 3 to permit the petitioners to continue their engagement against their respective post in the University and pay them salary/remuneration on monthly basis. (ii) issue writ order or direction in the nature of mandamus directing the respondent no. 2 and 3 to pay the arrears of the salary/remuneration to the petitioners which has not been paid from the month of November, 2023 to till date. (iii) issue writ order or direction in the nature of mandamus directing the respondent no. 1, 2 & 3 not to interfere in the peaceful functioning of the petitioners or not to change and alter the status of the petitioners. 8. Learned counsels for the petitioners have relied upon an order dated 25.04.2024 passed by Division Bench of this Court in SPA No. 116 of 2024. Operative portion of the said order is extracted below:- “7. On the next date of hearing, learned counsel for respondent nos. 2 and 3 will clarify as to when the advertisement for filling up the posts by way of regular selection is going to be made, and till then, the appellants will continue to work. 8. Counter-affidavit be filed within four weeks. 9. List this matter on 24.07.2024. 10. Respondents will not make any appointment through outsourcing before starting the regular selection and along with the counter-affidavit, advertisement will be placed on record.” 9. Mr. V.B.S. Negi, learned Senior Counsel appearing for the petitioners points out that pursuant to order dated 25.04.2024 passed by Division Bench, 42 contract employees, engaged through outsourcing, were re-engaged, vide order dated 11.09.2024 and they are continuously serving thereafter. 10. Mr. Bhuwan Bhatt, learned counsel appearing for petitioners in WPSS No. 2448 of 2024 submits that on 11.09.2024 itself, another order was issued by Registrar of the University, whereby 93 contract employees were disengaged, including some petitioners
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		in these writ petitions. 11. Mr. Sandeep Kothari, learned counsel for the University submits that selection process was initiated for supplying available vacancies on Group 'C' and Group 'D' posts in the University by issuing an advertisement, however, it was later found that there are no Rules governing mode of recruitment for certain posts and various other anomalies were also found, therefore, University requested the State Government to cancel the selection process. He, thus, concedes that as of now, there is no selection ongoing in respect of the available vacancies. 12. Learned counsel for University further submits that State Government, vide Government Order dated 25.04.2025 has restrained the University from engaging any Group 'C' and Group 'D' employee on contract or through outsourcing against any sanctioned vacant post. He submits that pursuant to orders passed by this Court in Writ Petitions as well as in Special Appeal, University requested the State Government to grant permission to comply the order passed by this Court by re-engaging the contract employees, however, he concedes that after Government Order dated 25.04.2025, no further communication was issued by the University. 13. From the submissions made by learned counsel for the University, this Court can gather that University is also facing difficulty in managing its affairs due to large number of vacancies on Group 'C' and Group 'D' posts. Some of the petitioners have been serving on contract for last more than ten years; their work and conduct has been found to be satisfactory, therefore, disengaging such contract employees, who rendered satisfactory service for long period of time, without any reason or justification, does not appear to be proper. Moreover, no
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2025:UHC:8618

			University can be run without sufficient number of teaching and non-teaching staff. 14. In such view of the matter, the writ petitions are disposed of with a direction to Secretary, Department of AYUSH to re-visit the Policy contained in Government Order dated 25.04.2025 and consider granting permission to the University to engage contract employees, till the available vacancies are filled by regularly employees selected persons. 15. This Court hopes and expects that Secretary concerned shall take decision in the matter within six weeks from the date of presentation of certified copy of this order. 16. Such of the petitioners, who have not been paid remuneration, even though they rendered service as contract employee, shall be at liberty to make representation for release of outstanding dues. The representation, if made by such employees, shall be decided by Registrar of the University, within four weeks from the date of receipt of certified copy of this order. 17. For a period of eight weeks or till petitioners are re-engaged, whichever is earlier, such of the petitioners, who have been provided official accommodation, shall not be asked to vacate the same. (Manoj Kumar Tiwari, J) 24.09.2025 Aswal NITI RAJ SINGH ASWAL
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2025:UHC:8618

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