

COCP No.722 of 2015

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

**COCP No.722 of 2015
Date of decision:10.08.2015**

NIPER Research Employees Welfare Association and Anr. ...Petitioner
Versus
Dr. V.K.Subburaj and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Dinesh Rawat, Advocate,
for the petitioner(s).

Mr. S.P.Jain, Additional Solicitor General of India, with
Mr. Dheeraj Jain, Advocate, for the respondent(s).

Rakesh Kumar Jain, J.

The writ petition filed by the petitioner, bearing CWP No.495 of 2013, was disposed of by this Court on 11.01.2013, with the following order:-

“Petitioners have filed the instant writ petition seeking a direction to the respondents to abolish the contract system in NIPER.

It is the case of the petitioners that despite the fact that various resolutions have been passed to abolish the contract system, final decision has not been taken by the Government.

It has been submitted before this Court that the petitioners shall be satisfied in case a direction is given

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to respondents to take a final decision on their representation Annexure P-4/1.

Let the Government take a decision on the aforesaid representation Annexure P-4/1 within four months from the date of receipt of a certified copy of this order.

The petition is disposed of.”

Thereafter, the petitioner filed COCP No.3133 of 2013, which was also disposed of by this Court on 29.04.2014, with the following order:-

The order of the writ Court required the respondents to look into the representation made by them which centered around abolition of the practice of giving employment on contract basis to the employees.

The reply indicates that the needful has been done and categorical decision in this regard is taken for abolition of the contract system for which separate notification is to be issued by the Government of India. It has been stated that due to Code of Conduct being in force the necessary notification could not be issued and as a result thereof a decision has been taken to continue with the temporary arrangement.

Having regard to the aforesaid stand taken by the NIPER, I am of the considered opinion that the instant petition has been rendered infructuous largely because of the mandate having been complied with by the concerned

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respondents. It is made clear that the temporary arrangement of retaining the employees on contract system shall be permissible only till the time necessary notification is issued pursuant to the decision already taken by the Government of India.

Petition stands disposed of.”

The petitioner has again filed the present petition to initiate contempt proceedings against the respondents for violating the order dated 29.04.2014.

After notice, the respondents have put in appearance and have submitted that the National Institute of Pharmaceutical Education and Research (Amendment) Statutes, 2014, has been notified on 03.07.2014, by which Section 6 has been amended in the following manner:-

“6. APPOINTMENTS

6.1 The NIPER adopts a policy of making appointments on regular basis.

6.2 A high level Committee may be constituted with the approval of NIPER, Mohali, including an officer not below the rank of Joint Secretary from the Ministry of Chemicals and Fertilizers (Department of Pharmaceuticals) which will examine and recommend the regularization of existing contractual employees taking into account, inter-alia, the following criteria:-

(i) whether a regular method of recruitment

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was followed in a fair and transparent manner while appointing the existing contractual employee;

- (ii) whether his or her past performance and the service record have been found satisfactory;
- (iii) whether he or she fulfilled the qualification provided for that particular post at the time of his or her appointment on which he or she is being considered for regularization.”

It is further submitted that there were 168 contractual employees; so far 90 employees have been regularized and remaining employees shall also be regularized. It is further submitted that due to inadvertence and mistake, two persons were kept on contract basis, but as soon as the mistake came to their notice, they have also been kept on regular basis. It is also submitted that the respondents have tendered their unqualified apology for the inconvenience caused to the Court.

After hearing learned counsel for the parties and keeping in view the facts and circumstances, stated here-in-above, I do not find any cause on the part of the petitioner to proceed with the present petition.

Consequently, the same is hereby dismissed.

Rule is discharged.

August 10, 2015
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(Rakesh Kumar Jain)
Judge