

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
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**CWP No.5261 of 2013
Date of decision:27.02.2015**

Rakesh Kumar Pandey

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Wazir Singh, Advocate for the petitioner.

Mr.A.S.Chaudhary, Addl.A.G., Haryana.

RAMESHWAR SINGH MALIK, J. (Oral)

Apprehending his removal from service with a view to replace him by another similarly situated employee, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking an appropriate writ, order or direction.

Admittedly, petitioner has been working as Additional Block Programme Officer in District Rural Development Agency, Ambala, on contract basis.

Notice of motion was issued. Thereafter, vide order dated 25.3.2013, this Court issued the following interim directions:-

“Considering the fact that the petitioner is working since November 2008 and it is not in dispute that work is still existing, the petitioner shall not be relieved from his official duties till the next date of hearing.”

The above-said interim order was ordered to continue which is still continuing. In this view of the matter, it cannot be disputed that petitioner is still continuing in service.

Learned counsel for the petitioner submits that petitioner is praying for a limited relief that he may be permitted to continue to work against the above-said post unless a regularly selected candidate is available to replace the petitioner.

Faced with the above, learned counsel for the State also fairly states that in view of the law laid down by the Hon'ble Supreme Court in **Hargurpratap Singh v. State of Punjab and others, 2007(13) SCC 292**, followed by this Court in more than one cases, petitioner cannot be replaced by another similarly situated employee. However, learned counsel for the State submits that liberty may be granted to the respondent authorities to deal with the petitioner appropriately, in case his work and conduct is not found satisfactory.

In view of the above-said respective stands taken by the learned counsel for the parties, present writ petition is disposed of with a direction to the respondent authorities, to allow the petitioner to continue till a regularly selected candidate is available to replace the petitioner. However, it is made clear that respondent authorities shall be at liberty to proceed against the petitioner, in case his work and conduct is not found satisfactory, taking appropriate action, strictly in accordance with law.

With the above-said observations made and directions issued, instant writ petition stands disposed of.

27.02.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE