

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

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CWP No.465 of 2015

DATE OF DECISION: January 13, 2015.

Jai Kishan and others

....Petitioners.

VERSUS

State of Haryana and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Sube S. Kaushik, Advocate
for the petitioners.

TEJINDER SINGH DHINDSA, J.(Oral)

The petitioners are working on the post of Instructors in different Industrial Training Institutes of the State of Haryana purely on contractual basis. The details as regards the date of joining of the petitioners on contractual basis in the light of service agreements having been entered into tabulated form in Para no.5 of the writ petition. The present writ petition has been filed in terms of raising an apprehension that their services will be dispensed with by similar arrangement of engaging another set of contractual employees.

It is by now well settled that contractual/temporary employees cannot be replaced by a similar arrangement. However, it is always open for the State Government to resort to a process of regular selection and to make a recruitment to the post in question.

Accordingly, the present writ petition is disposed of with a direction to the respondents-authorities not to dispense with the services of the petitioners by engaging another set of Instructors on contractual basis.

This protection being granted to the petitioners is subject to the rider of the petitioners fulfilling the qualifications for the post in question, availability of work and their satisfactory performance of duties. Still further, it is clarified that it would always be open for the respondents-authorities to resort to a process of regular selection on the post of Instructors in the various I.T.Is. in the State of Haryana and in such eventuality the regular selected candidates would have a prior right to the post of Instructor.

The present writ petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 13, 2015.

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