

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

Civil Writ Petition No.14784 of 1997

Date of decision: 29.7.2016

Ishwar Dass and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Harsh Aggarwal, Advocate,
for the petitioners.

Ms.Shruti Jain Goyal, AAG, Haryana .

RAJIV NARAIN RAINA, J. (Oral)

Ms.Shruti Jain Goyal has *inter alia* while addressing arguments in defence of the petition has relied on a judgment of a Coordinate Bench in CWP No.20452 of 2012; Yad Ram v. State of Haryana and others and connected petitions decided on December 7, 2012 in which the stand of the State has been accepted by the Court that the posts of Swasthya Sahayak and Field Workers on which the petitioners claimed appointment on regular basis, formed a part of diminishing cadre. The petitioners are similarly situated in the same department as in *Yad Ram's* case [supra] performing the same work which are seasonal in character and involved 4½ months of work in a year helping in the anti Malaria efforts in the State.

2. Mr.Harsh Aggarwal appearing for the petitioner is unable to distinguish the two cases on facts and therefore, concedes that the result of this petition would inevitably be the same as in *Yad Ram's* case [supra].

3. Despite the odds against him, Mr.Aggarwal submits on the strength of Annex P-6 that there are 7 posts lying vacant in Yamunanagar and the claim of the petitioners could easily be adjusted against them. There are two reasons for which I would not accept the plea and would rather dismiss the petition; firstly, on account of the position of what has been directly answered in *Yad Ram's* case [supra] when the contention raised by the petitioners in that case was not accepted in the order dated December 7, 2012. In *Yad Ram's* case, the Coordinate Bench applied the rule earlier stated in CWP No.2393 of 2012; Lal Chand and others v. State of Haryana and others which dealt with the same situation obtaining here and the passage quoted in *Yad Ram's* case to reject the case is from the said earlier decision. Therefore, in this chain of decisions, it is not possible for this Court to depart from the ruling by accepting similar contention put forth by Mr.Aggarwal in this case.

4. The petition would thus fail and is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

July 29, 2016

Paritosh Kumar

Whether speaking/reasoned : Yes

Whether reportable : No