

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

Sr. No.129

CWP-10259-2016

Decided on : 23.05.2016

Krishan Kumar and others

..... Petitioners

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ajay Chaudhary, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

Since 2010/2011 the petitioners had been serving as Sweepers on contract basis, under the Civil Surgeon, Hisar. Their services were terminated in June/July, 2013, which action was challenged by them before the Labour Court. Through award of the Labour Court dated 22.09.2014 (which is stated to have become final) the petitioners were ordered to be reinstated with continuity of service. After rejoining, the petitioners then represented their case to the Civil Surgeon Hisar, for regularisation of their services in terms of the regularisation policy of the Government of Haryana dated 18.06.2014. Their representations were referred by the Civil Surgeon, Hisar to the Director General, Health, Haryana, who in turn, through letter dated 12.06.2015, sent the matter with regard to regularisation of the petitioners' services back to the Civil Surgeon, Hisar, for decision at his own end. While the petitioners' case was under consideration for regularisation of their services, through

advertisement dated 05.05.2016, posts of Sweepers in the office of the Civil Surgeon, Hisar, on contract basis, have been advertised.

Learned counsel for the petitioners submits that while the petitioners' case for regularisation of their services was under consideration by the respondents, the posts being held by them could not have been advertised to be filled up especially on contract basis. He submits that the petitioners' case for regularisation of their services should be decided first and only thereafter the Government should fill up the posts and that too only if the Government finally decides not to regularise the petitioners' services.

I find merit in the submission of learned counsel for the petitioners.

Once the issue with regard to regularisation of the petitioners' services is under active consideration of the Government then during the pendency of such consideration it is not desirable that the posts being held by the petitioners be filled up by another set of employees especially contractual employees.

That being so, the present petition is disposed of with a direction to respondent No.3 to consider and take a final decision on the issue with regard to regularisation of the petitioners' services in terms of the applicable regularisation policy of the State and in the peculiar facts of the case, till the afore-referred final decision is taken, the petitioners shall not be replaced.

23.05.2016

shamsher

SHAMSHER SINGH
2016.05.27 17:02
I attest to the accuracy and
authenticity of this document
Chandigarh

[DEEPAK SIBAL]
JUDGE