

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 13319 of 2014 (O&M)

Date of decision : January 29, 2016

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Vipul Saxena and others

.....Petitioners

Versus

Central Recruitment Agency, Punjab
and Haryana High Court, Chandigarh and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Salil Bali, Advocate for the petitioners.

Mr. Ashu M. Punchhi, Advocate for the respondents.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The petitioners are seeking writ of certiorari for quashing the employment notice dated 23.11.2012 (Annexure P-1) and subsequent selection for which the result has been declared on 17.5.2014.

Briefly stated, the facts of the case are that the Central Recruitment Agency of this Court-respondent no.1 issued employment notice dated 23.11.2012 inviting applications for filling up 400 posts of Clerk in Subordinate Courts of Punjab. Pursuant to the public notice dated 24.5.2013 (Annexure P-2) issued by the

District and Sessions Judge, Ferozepur-respondent no.2, the petitioners applied for the posts of Clerks. After clearing the written test, they appeared for interview and were issued appointment letters dated 30.8.2013 (Annexure P-3). As per the conditions of appointment letter, the services were purely on ad hoc basis and were liable to be terminated at any time without any notice or till the regular appointments were made by the High Court. The petitioners thereafter joined their respective duties. Thereafter pursuant to the employment notice dated 23.11.2012 (Annexure P-1), the selection process was completed and the result was declared on 17.5.2014 whereby the regular selection was made to the post of Clerk. The petitioners have approached this Court for quashing the employment notice dated 23.11.2012 (Annexure P-1) and the result was declared on 17.5.2014.

In the written statement filed by respondents no. 1 & 2, it has been explained that after issuing an employment notice dated 5.1.2012 (Annexure R-1) for filling up 297 vacant posts of Clerks for various Sessions Divisions, this Court vide letter dated 30.3.2012 (Annexure R-2) issued directions to recruit the required staff i.e Clerks and Steno-typists at the District level within one month on ad hoc basis initially for a period of six months or till regular appointments are made, whichever was earlier without making any reference about the mode of appointment by this Court. Thereafter another employment notice dated 23.11.2012 (Annexure R-6) was issued for filling up 400 vacant posts of Clerks in Subordinate Courts

of Punjab. As the selection process of Clerks would have taken time, therefore, this Court vide its letter dated 7.2.2013 (Annexure R-7) allowed to retain the Clerks already appointed on ad hoc basis for a further period of three months or till the regular appointments were made, whichever was earlier. Respondent no.1 vide its letter dated 11.3.2013 (Annexure R-8) sent a list of 12 selected candidates for the posts of Clerks on regular basis out of which 5 candidates joined their duties and remaining candidates did not join their duties as a result of which many posts remained vacant in Ferozepur Sessions Division. This Court vide its letter dated 25.4.2013 (Annexure R-9) further allowed to retain the Clerks appointed on ad hoc basis against whom no regular appointment has been made for further six months or till the regular appointment were made by this Court whichever was earlier in order to avoid paucity of staff for smooth functioning of Courts. Some more judicial officers were appointed in the year 2013 in Ferozepur Sessions Division. A public notice was issued on 24.5.2013 (Annexure R-11) for inviting applications for 15 posts of Clerks on ad hoc basis for newly appointed Judicial Officers, wherein it was clearly mentioned that the appointments of the candidates will be made purely on ad hoc basis initially for a period of six months or till regular appointments are made, whichever is earlier. After conducting the written test and test for checking the proficiency in operation computers, a merit list of 39 selected candidates was prepared (Annexure R-12) and appointment letters clearly mentioning therein that they were being appointed on ad hoc basis for a period

of six months or till regular appointments were made by respondent no.1 whichever was earlier, were issued to the selected candidates. This Court vide letter dated 15.11.2013 (Annexure R-13) allowed to retain the Clerks appointed on ad hoc basis for further six months or till the regular appointments are made by this Court, whichever was earlier. Pursuant to the regular selection of clerks, this Court vide its letter dated 21.5.2014 (Annexure R-14) sent a list of names of 48 candidates recommended for the post of Clerks on regular basis for this Sessions Division out of which 33 candidates joined their duties. Thereafter this Court vide its letter dated 22.9.2014 (Annexure R-15) sent another list of names of 22 candidates recommended for the post of Clerks for this Sessions Division out of which 15 candidates joined their duties and after filling up the vacant posts lying in this Sessions Division. On joining of aforesaid regular candidates as Clerks in this Sessions Division, the services of the junior most Clerks appointed on ad hoc basis including some petitioners i.e petitioners no. 3 to 5, 10, 11 and 14 to 25 have already been dispensed with. Remaining petitioners and some other Clerks who were appointed on ad hoc basis with the petitioners are also working in Ferozepur Sessions Division being senior most against the posts lying vacant in Ferozepur Sessions Division for want of regular appointments of Clerks by the Central Recruitment Agency of this Court.

Mr. Ashu M. Punchhi learned counsel appearing for respondent no.1 has informed the Court that a representation

submitted by Clerks of Ferozepur Sessions Division appointed on ad hoc basis for regularization of service was declined by the Registrar General of this Court vide letter dated 21.12.2015. He has further informed that the Registrar General of this Court vide letter dated 28.2.2015 to the District and Sessions Judge, Ferozepur allowed to re-call the candidates/Clerks whose services have been dispensed with being ad hoc employees for adjustment against the officials who have been re-allocated to the Sessions Divisions for six months or till the regular appointments are made by this Court, whichever was earlier. Pursuant to the direction given by the Registrar, the petitioners are still continuing in service.

Keeping in view that on account of non-joining of regularly selected candidates, the petitioners whose services were dispensed with had been recalled and are continuing in service, the present writ petition is being disposed of with a direction to respondent no.2 that till the regularly selected candidates join, the petitioners shall be allowed to continue to work on ad hoc basis as per the terms of their appointment letter. Since the appointment was with a specific condition that their services will be dispensed with in case regular candidates join, they cannot seek directions for regularization of their services.

Petition is disposed of accordingly.

January 29, 2016
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(**RITU BAHRI**)
JUDGE