

**Sr. No. 112
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.12826 of 2016 (O&M)
Date of Decision: 25.07.2016**

Yogesh Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. R.K.Malik, Senior Advocate with
Mr. Mandeep Singh, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

Pleadings on record would indicate that the petitioners herein were engaged on purely contractual basis on the post of Pharmacist/laboratory technician/helpers under the State Government Scheme i.e. M.M.I.Y. (Mukhyamantri Muft Ilaaz Yojana).

Learned Senior counsel would contend that engagement of the petitioners be it on a contractual basis was only after following a due process of selection i.e. issuance of advertisement and thereby inviting applications from all eligible candidates and by following a process of selection conducted by a regular selection committee.

Grievance raised in the petition is two fold:

i) It is contended that the petitioners are apprehending that the State Government without resorting to the mode of regular appointments would replace the present petitioners with another set of contractual appointees.

ii) It is submitted that the petitioners are not being released even the minimum of the regular pay scale prescribed for the posts

against which they are discharging their duties and such action has already been frowned upon by this Court in the judgment dated 21.11.2014 passed by a Division Bench of this Court in LPA No.2104 of 2013 (Annexure P-9) and whereby the directions passed by the learned Single Judge in the judgment dated 03.09.2013 in CWP No.13946 of 2004 to pay to the petitioners therein who were also contractual employees the minimum of the regular pay scale of the post in question had been affirmed.

During the course of arguments today, learned Senior counsel has furnished for perusal of this Court a copy of the communication dated 08.07.2016 issued by the Director General Health Services, Haryana, Pachkula and addressed to all Civil Surgeons across the State of Haryana and in terms of which directions have been issued not to relieve the contractual staff working under the M.M.I.Y. Scheme and further calling for the cases of such contractual staff already working under the M.M.I.Y. Scheme for extension of their contract.

Counsel submits that in the light of such communication dated 08.07.2016 issued by the Director General Health Services, Haryana, the grievance raised and noticed at (i) hereinabove stands redressed.

Under such circumstances, I deem it appropriate to dispose of the present petition by granting the liberty to the petitioners to approach respondent No.2 with regard to their claim of grant of minimum of the regular pay scale prescribed for the posts for which the petitioners are working and discharging their duties. In the eventuality of such claim/representations being preferred, respondent No.2 would be obligated

to consider the same strictly in accordance with law and in the light of the Division Bench Judgment of this Court in *Maharishi Dayanand University, Rohtak and others Vs. Dr. Anil Khurana and others (LPA No.2104 of 2013) decided on 21.11.2014* at Annexure P-9 and to take a final decision thereupon expeditiously.

Disposed of.

25.07.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE