

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14356 of 2016

Date of Decision: 12.08.2016

Indu Saini and another

... Petitioners

Versus

Board of Governors of National Institute
of Technology, Kurukshetra and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Karan Singla, Advocate,
for the petitioners.

Mr. Amarjit Singh Virk, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

Reply on behalf of respondents filed in Court today which is taken on record.

Attention is drawn to the order dated July 27, 2016 in the case of Ms. Amandeep Kaur – petitioner No.2 which is taken on record as Mark 'A'. She has been kept on stand by relief on July 27, 2016.

It is not disputed that workload continues to justify continuance in the same arrangement till such time as regular recruits are not available.

Applying the law in Hargurpratap Singh v. State of Punjab and others, (2007) 13 SCC 292 disposed of with a direction that the petitioners would not be displaced by contractual employees on the post of Assistant Professor in their respective departments. However, it will be open for the employer to dispense with the service of contractual employees if their work and conduct is found wanting and if there is no requirement or substantial reduction in the workload.

With these directions, the petition stands allowed to the extent.

Since the admitted position is that the requirement of work continuous then the previous contract and the one which follows would be notionally treated as continuous. The prayer for grant of minimum pay scale is not pressed at this stage by Mr. Singla and liberty is granted to the petitioners to raise it, if the need arises.

(RAJIV NARAIN RAINA)
JUDGE

12.08.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No