

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

CWP No.18693 of 2013 (O&M)

Date of decision: 18.01.2016

Ajit Kumar and another

...Petitioners

versus

DHBVNL and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aditya Yadav, Advocate,
for Mr. Jai Singh Yadav, Advocate,
for the petitioners

Mr. P.S. Punia, Advocate,
for the respondents.

RITU BAHRI, J.

Petitioners are seeking direction to official respondent Nos. 1 to 3 to allow them to continue on the post of Assistant Lineman (ALM) till regular incumbents join in view of the undertaking given by the respondents before this Court in CWP No.2141 of 2009 and CWP No.3008 of 2009 (Annexures P-2 and P-3 respectively).

Pursuant to the outsourcing policy of Government of Haryana, as adopted by the respondent-Nigam, various categories of employees, including Assistant Lineman (ALM) were engaged through contractors in the Nigam. The petitioners were appointed pursuant to the said policy. The case of the petitioners is that they had joined the services as they were fully eligible as per prescribed qualification, which is as under:-

“Candidate should have passed two years Diploma course in the lineman Trade from any institution of the Director, Industrial Training and Vocational Education or Two years diploma in Electrician/Wireman Trade along with Matric. The candidate should have passed Hindi/Sanskrit upto

Matric Standard.”

The petitioners are claiming that the respondents have not released their salary and are in the process of replacing them by another set of ad hoc/contractual employees. They alleged that the respondents cannot do so as per the judgment passed by a Division Bench of this Court in **Harminder Kaur and others Vs. Union of India and others**, CWP No.15332 of 2003, decided on 28.03.2005 (Annexure P-1).

Upon notice, a short reply has been filed by the respondents, stating therein that as per outsourcing policy of Government of Haryana, which has been adopted by the respondent-Nigam, the petitioners were appointed as ALM through contractors in the Nigam. As per essential qualification, they were required to have matric with 2 years ITI Diploma from recognized institute of the State Government. Pursuant to letter dated 31.12.2012 (Annexure R-1), the Superintending Engineer/Administration of the Nigam had issued a direction to scrutinize/verification of the documents of the employees engaged through contractor as per outsourcing policy. Services of the petitioners, who were appointed on contract basis, have been dispensed with by the contractor concerned after verification of their documents, as they were found to have been issued by the institutes which were not recognized/conducted by Director, Industrial Training and Vocational Education, Haryana. The names of the institutes which had issued the certificates to the petitioners, do not find mention in the list of private ITIs recognized by the Director, ITI, Haryana (Annexure R-2). Appropriate action is being initiated against the officials responsible for not verifying/scrutinizing the documents properly at the time of engagement of the petitioners through contractors.

The aforesaid written statement was filed way back on 03.03.2014 and till date, the petitioners have not chosen to file any replication to state that their certificates have been issued by the institutes, which were recognized as per Annexure R-2.

In view of the above reply filed on behalf of the respondents, the present petition is dismissed.

(RITU BAHRI)
JUDGE

18.01.2016.
ajp