

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

***CWP No.15818 of 2016 (O&M)
Date of decision : 07.10.2016***

Rakesh Kumar and others

....Petitioners

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. Ashok Kaushik, Advocate for
Mr. Neeraj Kumar, Advocate for the petitioners.

Mr. Rajesh Gaur, Additional Advocate General, Haryana,
for respondents No.1 and 2.

Mr. Hitesh Pandit, Advocate for respondent No.3.

Mr. Rakesh Shrouti, Advocate for respondent No.7.

...

TEJINDER SINGH DHINDSA, J.

During the course of hearing today, a short reply on behalf of respondent No.3 has been filed in Court today and the same is taken on record. A copy thereof has been furnished to learned counsel for the petitioners.

With the consent of learned counsel for the parties, the writ petition is taken up for disposal today itself.

The petitioners were engaged as Vocational Teachers purely on contractual basis. Even though, they were engaged through a service provider, yet they assert that they have been serving Government Schools/Institutions.

Instant petition was filed raising a grievance that the respondent/Authorities are resorting to a methodology, whereby one set of contractual employees is sought to be replaced by similar arrangement. As per counsel, such course of action is impermissible in law and in violation

of the judgment of Hon'ble Supreme Court rendered in case of ***Hargurpratap Singh Versus State of Punjab and others, (2007) 13 SCC 292.***

Para 3 and 4 of the short reply filed today in Court read as follows:

“3. That it is submitted that a letter dated 08.08.2016 has been issued by respondent No.3 vide which the Vocational Training Providers (VTPs) have been directed that the vocational trainers who had earlier been engaged by the Vocational Training Providers (VTPs) through an open advertisement and by following the due procedure and fulfill the essential qualification prescribed for the post and are continuing as such on the basis of their good work, conduct and performance, their services may be continued to be utilized and they need not apply afresh, in case the same VTP has been engaged for the same trade. The copy of letter dated 08.08.2016 is annexed herewith as Annexure R-1.

4. That on the basis of this letter dated 08.08.2016 the vocational teachers have been engaged by the VTPs who were engaged by following the proper procedure and fulfill the essential qualifications prescribed for the post. All the petitioners in the present writ petition have been engaged by the VTPs and all the petitioners have joined in the schools concerned.”

In the light of such categoric stand taken, no further directions are required to be passed in the instant petition.

Writ Petition is, accordingly, disposed of as having been rendered infructuous.

Suffice it to observe that it would always be open for the petitioners to approach the Court afresh in case any order is passed and which may be construed as detrimental to their interest.

At this stage, learned counsel for the petitioners would point out that salary for the period of June, 2016 has not been released. If that be the case, liberty is granted to the petitioners to submit a claim/representation. In the eventuality of any such representation being filed, the respondent/Competent Authority would also look into the matter and take necessary steps as warranted in accordance with law.

Disposed of.

07.10.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |