

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.***

CWP No.17009 of 2016

Date of Decision: 03.10.2016

Manpinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K.B.S. Mann, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The grievance of the petitioner in the present petition is that he has worked with respondent No.3 on contract basis as Driver in Fire Brigade for a period of about three years i.e up to 17.02.2016. The order of termination of the petitioner was passed on 18.02.2016 and subsequently, an advertisement was published on 26.04.2016 for the same post with certain terms and conditions but the petitioner could not apply for the same as his application form was rejected on the ground of being over age.

Learned counsel for the petitioner submits that the petitioner has even made a representation on 14.07.2016 but the same has not been decided so far. He also submits that the subsequent advertisement has been issued to replace the earlier contractual employees by appointing another set of employees on contract basis, which is contrary to the proposition of law as settled in various judgments of Hon'ble the Apex Court as well as of this

Court, wherein, it has been held that a contractual employee cannot be replaced by another contractual employee. The past service of the petitioner for a period of approximately three years has also not been considered, whereas, he was having a right to be considered for the subsequent appointment. Learned counsel also submits that the petitioner would be satisfied, in case, the directions are issued by this Court to decide his representation dated 14.07.2016 (Annexure P-10).

By considering the limited prayer of the petitioner, the present petition is disposed of with a direction to respondent No.3 to consider the representation moved by the petitioner within a period of two weeks from the date of receipt of certified copy of this order as also by relying upon the judgments of Hon'le the Apex Court in cases ***Bhupinder Singh Saini vs State of Punjab 2002(1) SCT 680*** and ***Union Public Service Commission vs Dr. Jamuna Kurup and others 2008(2) SCT 762***.

However, in case, the petitioner is still aggrieved by any action of the respondents, he is at liberty to avail the appropriate remedy.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

03.10.2016
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

No