

CWP No.26002 of 2016
Date of Decision: 15.12.2016

State of Punjab and othersRespondents

Heard the arguments of learned counsel for the petitioners and have also perused the documents available on the file including the public notice, which is under challenge.

Undisputedly, the petitioners were issued charge sheet on 23.09.2014 after vigilance enquiry and ultimately, they were removed from service. The case filed by the petitioners is still pending after admission. It cannot be said that it is a case of replacement of contractual employee by another contractual employee as petitioners were issued Show Cause Notices and fact finding inquiry was also conducted after which they were removed from service. The post cannot be kept vacant and the petitioners are not simply going to be replaced. In normal way, it can be said that no contractual employee can be replaced by another contractual employee. The civil proceedings are also pending before the Court and it cannot be said as to how much more time is likely to be taken. Petitioners cannot claim their right over the contractual posts when they are no more in service.

No ground is made out to quash the public notice for inviting applications.

The petition is accordingly dismissed.

However, the petitioners are at liberty to make representation, in case, they succeed in litigation.

15.12.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No