

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.9317 of 2013 (O&M)

Date of Decision: 03.08.2016

Manoj Kumar and others

... Petitioners

Versus

State of Haryana and another

... Respondents

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

Present:- Mr. Sanjiv Gupta, Advocate,
for the petitioners.

Mr. Ravi Pratap Singh, AAG., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners herein either possess the qualification of B.Sc. Agriculture (Hons.) or B.Sc. (Horticulture) or M.Sc. (Agriculture) and came to be engaged as Horticulture Development Officer in the respondent Department purely on contractual basis in the month of April, 2012.

Pleadings would indicate that such contractual engagement was made in pursuance to the petitioners having applied in response to an advertisement dated 01.01.2012 issued by the Department of Horticulture, State of Haryana and the petitioners having participated in a process of selection.

The instant petition was instituted in the year, 2013 assailing the action of the respondent authorities in having issued an advertisement dated 12.04.2013 at Annexure P-5 and in terms of which applications had been invited to engage Horticulture Development Officers yet again on a contractual basis. The precise case set out on behalf of the petitioners at the stage of filing the petition was that such methodology being adopted by the respondent Department in replacing one set of contractual employees by another similar arrangement is not permissible in law.

During the course of hearing today, Mr. Ravi Pratap Singh, AAG., Haryana would apprise the Court that a subsequent development has taken place inasmuch as the impugned advertisement dated 12.04.2013 (Annexure P-5) itself has been withdrawn.

In the light of such development the very basis on which the petitioners had filed the instant writ petition and having raised an apprehension that they would be replaced by another set of contractual employees becomes non-existent.

The present petition is, accordingly, rendered infructuous and is disposed of.

At this stage, Mr. Sanjiv Gupta, counsel would submit that even though the impugned advertisement at Annexure P-5 has since been withdrawn yet a mischief has been played whereby the respondent Department has merely changed the nomenclature of the post and has issued another advertisement inviting applications for appointment to the post of Field Supervisor/Field Officer/ Field Consultants carrying the same very qualifications just to defeat the rightful claim of the present petitioners.

Even if such submission is taken at its face value, it would always be open for the petitioners to raise a challenge to such fresh advertisement inviting applications for making appointments to the post of Field Supervisor/Field Officer/Field Consultant if so advised and in accordance with law.

Disposed of.

03.08.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No