

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9602 of 2014(O&M)

Date of Decision : 23.11.2016

Kamaljeet Yadav and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Arvind Seth, Advocate for the petitioners.

Mr. Harish Rathee, Senior Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J.(Oral)

The petitioners, who are stated to be Guest Lecturers, are seeking direction to the respondents to grant them the same pay scale as applicable to the regular Lecturers.

Mr. Arvind Seth, Advocate, learned counsel for the petitioners upon instructions from Manish Kumar, petitioner no. 13, who is present in Court, states that the petitioners are willing to forego other prayers and confine the prayer in this petition to grant them ₹1000/- per day and maximum of ₹25,000/- per month and that they should be replaced only by candidates selected on regular basis.

Learned State counsel upon instructions from Dr. Saket Kumar, Director Technical Education Department, Haryana, states that the petitioners would be replaced only by candidates selected on regular basis and would continue in service as per the required workload in the Government Polytechnics.

At this juncture, learned Senior counsel for the petitioners contends that the petitioners will represent to respondent No. 2 for grant of minimum honorarium at par with other similarly situated Lecturers and respondent No. 2 may be directed to consider and decide the same.

It is well settled that contractual employees can be replaced only by candidates selected on regular basis or in case, their work and conduct is found to be unsatisfactory. They could also be replaced in case, the requirement of work does not exist or they are not required for the post for which they had been deployed. Reference can be made to the judgment of the Supreme Court in the case of *Hargurpratap Singh Vs. State of Punjab and others*, 2007(13) SCC 292.

Therefore, I dispose of this petition with a direction to the respondents that the petitioners would be replaced only by candidates selected on regular basis or in case their work and conduct is found to be unsatisfactory or the requirement of their work is no longer there with the respondents. The representation of the petitioners for grant of minimum honorarium would be considered and decided by respondent No. 2, in accordance with law, within a period of two months from the date of its receipt.

The petition stands disposed of accordingly.

November 23, 2016.

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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No