

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

**CWP-14201-2017 (O&M)
Date of decision:05.07.2017**

Dr. Nisha Sharma & others

... Petitioners

Vs.

Board of Governors, Dr. B.R. Ambedkar National Institute of Technology,
Jalandhar & another

... Respondents

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

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J.

The issue arising for consideration in the instant writ petition is with regard to a methodology having been adopted by the respondent/Dr. B.R. Ambedkar National Institute of Technology, Jalandhar Punjab, whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Learned senior counsel would submit that the petitioners were engaged as Assistant Professors in the Department of Chemistry on contractual basis and have worked since the year 2013 in the case of petitioners No.1 and 3 and since the year 2015 qua petitioner No.2.

Grievance raised is that a notice has been uploaded on the website inviting applications to engage Assistant Professors again on contractual basis in various departments including the department of Chemistry.

In view of the order that I intend to pass, there would be no requirement seeking a written response from the respondent/institute.

It is by now well settled that one contractual employee cannot be replaced by another similar arrangement. A reference in this regard may be made to the judgment of Hon'ble Supreme Court of India in Hargurpratap Singh Versus State of Punjab and others, 2007 (13) SCC 292. However, a contractual arrangement in favour of an employee would always be subject to right of the employer to resort to a method of regular appointment. It would also be open for the employer to dispense with the service of a contractual employee, if the work and conduct is found wanting. Furthermore, if there be no requirement or reduction of workload, it would again be open for the employer to disengage the contractual appointee.

The present petition is disposed of with the directions that the petitioners herein would not be replaced by another set of contractual employees on the post of Assistant Professors in the Department of Chemistry.

It is clarified that it would be open for the respondent/institute not to engage the present petitioners in the light of eventualities that have been noticed and culled out in the order hereinabove.

It is further made clear that benefit of this order would enure to the petitioners only if no other contractual employee has already joined in pursuance to the advertisement/notice at Annexure P-7.

It is further clarified that this Court while disposing of the

instant writ petition has not dealt with the prayer of the petitioners as regards grant of minimum pay scale at par with the regular employees and that salary for the vacation period. Such question/claim is left open.

Disposed of.

05.07.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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